

UNITED STATES DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

MARINE FISHERIES ADVISORY COMMITTEE MEETING

Washington, D.C.

Thursday, December 5, 2013

## 1 PARTICIPANTS:

## 2 Members:

3 KEITH RIZZARDI, Chair  
4 Assistant Professor, St. Thomas University  
5 School of Law

6 EDWARD (TED) AMES  
7 Senior Advisor, Penobscot East Resource

8 JULIE BONNEY  
9 Executive Director, Alaska Groundfish Data  
10 Bank, Inc.

11 COLUMBUS H. BROWN  
12 U.S. Fish and Wildlife Service, Retired

13 ANTHONY (TONY) CHATWIN  
14 Director, Marine and Coastal Conservation,  
15 National Fish and Wildlife Foundation

16 PAUL CLAMPITT  
17 Owner, F/V Augustine

18 JOHN S. CORBIN  
19 President, Aquaculture Planning and  
20 Advocacy

21 MICHELE LONGO EDER  
22 Attorney and Owner

KEN FRANKE  
Sportfishing Association of California

JULIE MORRIS  
Assistant Vice President for Academic  
Affairs, New College of Florida

ROBERT RHEAULT  
Executive Director, East Coast Shellfish  
Growers Association

1 PARTICIPANTS (CONT'D):

2 DAVID C. WALLACE  
3 Owner, Wallace & Associates

4 Designated Federal Officer:

5 MARK HOLLIDAY  
6 Director, Office of Policy NOAA Fisheries  
7 Office of the Assistant Administrator

8 Consultants:

9 BOB BEAL  
10 Executive Director, Atlantic States Marine  
11 Fisheries Commission

12 DAVID DONALDSON  
13 Executive Director(Acting), Gulf States  
14 Marine Fisheries Commission

15 RANDY FISHER  
16 Executive Director, Pacific States Marine  
17 Fisheries Commission

18 NOAA Staff:

19 FORBES DARBY

20 PAUL DOREMUS

21 RUSSELL DUNN

22 TIMOTHY HANSEN

JANINE HARRIS

HEIDI LOVETT

SAMUEL D. RAUCH III

DANIELLE RIOUX

1 PARTICIPANTS (CONT'D):

2 ALAN RISENHOOVER

3 MARK SCHAEFER

4 JENNY THOMPSON

5 CRAIG WOOLCOT

6 Other participants:

7 MR. CROSS, The Pew Charitable Trust

8 MS. DOERPINGHAUS, Ocean Conservancy

9 MR. MARKS ROMEA, Commercial Fishing  
10 Industry

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## 1 P R O C E E D I N G S

2 (8:36 a.m.)

3 CHAIRMAN RIZZARDI: Good morning,  
4 everybody. Thanks for getting here on time again.  
5 And this morning we've got an agenda that starts  
6 with the recreational fisheries subjects. We'll  
7 move on from there to try to close out the  
8 sustainability certification discussion, and then  
9 we'll have the committee reports, with the work  
10 plan discussion, this afternoon.

11 So, our first speaker today is Russ  
12 Dunn. He's going to be taking to us with an  
13 update on rec fish, and then we're going to be  
14 hearing from Ken Franke, who's going to give the  
15 report out from the committee, and we'll talk  
16 about the white paper that they generated.

## 17 NOAA Recreational Fisheries Update

18 MR. DUNN: Okay, thank you, Mr.  
19 Chairman. So, my name is Russ Dunn, for those of  
20 you who I may not have met in the past. I'm the  
21 Recreational Policy Advisor here at NOAA  
22 Fisheries, and I will spare you the long history

1 of how I ended up here. But we'll jump through a  
2 quick presentation -- I guess this is -- where am  
3 I pointing? Over here. There we go.

4 So, I just wanted to give you one quick  
5 slide that looks at the magnitude, or demonstrates  
6 the magnitude of rec fishing, just to put the --  
7 or "marine" recreational fishing in the U.S. --  
8 that puts the fishery in perspective.

9 So, there are roughly 11 million  
10 anglers, who take about 70 million trips a year,  
11 supporting approximately 360,000 jobs, and  
12 contributing around \$74 billion to the economy.  
13 Now, these are 2011 numbers, taken from our 2011  
14 National Angler Expenditure Survey, which was just  
15 recently finalized, and actually, they're about to  
16 be updated with our new Fisheries Economics of the  
17 U.S. 2012, which is working its way through the  
18 clearance process. So these numbers will change  
19 shortly. I anticipate that they will probably  
20 increase, just given that the economy has picked  
21 up in the meantime.

22 So, just a quick overview of NOAA's

1 approach to recreational fisheries as of late. As  
2 I think most of you are aware, that in late 2009,  
3 early 2010, NOAA began a concerted to better  
4 engage the recreational community to really try  
5 and establish a lasting partnership, which was  
6 lacking up to that point.

7 And we, after holding a 2010 national  
8 summit, we really sort of began to focus around  
9 the five bullets there on the lower left, which we  
10 call our "Engagement Initiative Pillars." And  
11 these were drawn directly from the input from the  
12 recreational community, where they were interested  
13 in finding additional fishing opportunities,  
14 improving data pertaining to catch and effort,  
15 socioeconomics, improving the lines of  
16 communication, and really opening a dialogue  
17 instead of having a one-way communication. And  
18 sort of, the final one, "institutional  
19 orientation," really has to do with how the agency  
20 looks at and thinks about recreational fishing,  
21 making sure that it has a seat at the table in its  
22 decision-making.



1                   So, I will touch on -- I'm just going to  
2    touch on, briefly, really our sort of primary  
3    focus. I'll give you a very short overview of  
4    each of these before looking at what's coming down  
5    the road.

6                   So, we spent most of our time this year  
7    on the following six things, first being a series  
8    of roundtables that we held in every region of the  
9    country. We sat down with our recreational  
10   coordinators -- those are folks in each of our  
11   regional offices and science centers -- pulled  
12   together roundtable discussions with the rec  
13   community in each of our NOAA regions, and  
14   including the Atlantic HMS fishery. And I'll  
15   touch on each of these a little more in depth in a  
16   second.

17                  We then fed the results of those  
18   roundtables into the discussions at the "Managing  
19   Our Nation's Fisheries 3," which many of you  
20   attended. We also have recently just completed,  
21   and our finalizing all the analysis, with regard  
22   to a first-ever angler perception survey, looking

1 at their opinions and perception with regard to  
2 management and fishing quality.

3 We, as Ken will touch on, worked with  
4 the rec working group and the subcommittee here at  
5 MAFAC with regard to development of a white paper  
6 that was developed at the request of Sam. We have  
7 developed updates to our recreational action  
8 agendas within each our NMFS regions, or NOAA  
9 fisheries regions. And those will be released, we  
10 anticipate, in January, and cover the period FY  
11 '14 -- or calendar years '14 and '15.

12 We continue to do a lot of work with the  
13 community on -- and scientists, academics -- on  
14 recreational release mortality, and addressing  
15 that -- reducing mortality, avoiding mortality,  
16 and trying to see how we can integrate the  
17 conservation benefits of reducing that back into  
18 assessments, and hopefully having that translate  
19 into additional fishing opportunities.

20 And then, sort of an out-of-left-field  
21 issue was -- ended up spending a fair amount of  
22 time on the Idle Iron issue, which is oil rigs,

1 primarily in the Gulf of Mexico, which are no  
2 longer in production, and are slated for removal.  
3 There was a change in the administration policy at  
4 one point which caused a lot of concern about the  
5 rate of removal and the ability to reef those or  
6 not. So we spent a lot of time with an  
7 interagency task force and constituents from the  
8 Gulf of Mexico trying to come to resolution on  
9 that. And I think that is in a pretty good place  
10 at this point, owing to some changes in policy by  
11 Department of Interior.

12 So, just a quick overview of the  
13 roundtables' key findings.

14 So, as I mentioned, we went around to  
15 every region. And I just have pulled out, really,  
16 the highest level themes here. I'm happy to talk  
17 more about any of these.

18 What we found was that it came down to  
19 -- there were three areas, really, people wanted  
20 to talk about: Data and science management, and  
21 communication -- the latter being "more is  
22 better."

1           But data and science, the three sort of  
2   primary themes that were related in every region  
3   around the country was that the confidence in  
4   catch-and-effort data varies, but it's pretty low  
5   all around. It's worse, the confidence is worse,  
6   in the East Coast and Gulf of Mexico, better on  
7   the West Coast. But, overall, there is a limited  
8   confidence all around.

9           There is substantial interest by anglers  
10   everywhere around the country, in every region,  
11   about trying to shift to self-reported electronic  
12   data. I can't tell you how many times I heard the  
13   statement "Why can't I use this to report my fish?  
14   We can put a man on the moon, but I can't report  
15   my fish on this."

16           And so we are, as an agency, working  
17   trying to figure that out. Our MRIP folks are  
18   working on self- reporting data questions.  
19   There's, as I think most of you know, there is a  
20   large electronic monitoring and electronic  
21   reporting conference that is coming up in January,  
22   I think it is, on the West Coast that Dorothy

1 Lowman is chairing. And anglers were also -- they  
2 continued on the theme about wanting to identify  
3 and address release mortality pertaining to  
4 recreational fisheries. The ultimate hope there,  
5 again, is if we can save the fish, we can fight it  
6 again another day.

7 With regard to management, the real  
8 strong themes that came out were the agency, or  
9 the council system, is being too biologically  
10 conservative, there are too many buffers in place,  
11 and you're limiting, unnecessarily limiting,  
12 fishing opportunities.

13 Another strong theme was that there's  
14 really a lack of understanding by the -- I'll call  
15 it the "Federal system," of the cumulative effects  
16 of lost fishing opportunities, whether those are  
17 from area closures, sanctuaries -- that was a  
18 popular one. There is a substantial mistrust of  
19 the sanctuary system out there by anglers -- or  
20 state, this also includes state closures,  
21 protected areas, seasonal closures, et cetera.  
22 And when you add it all together, the belief is

1       that there's a real lack of understanding by the  
2       agency of just how limited fishing opportunities  
3       are.

4               And there was a broad, sort of  
5       overarching theme of a need for more stability  
6       from the regulatory perspective -- that anglers  
7       want to know when they're going to be able to go  
8       out, have some predictability. That came more  
9       heavily from the charter headboat participants,  
10      who, obviously, are interested in business  
11      planning, the ability to schedule out over the  
12      year. But the average anglers also were very  
13      interested in stability, and trying to better  
14      harmonize state and federal regulations.

15             So, Managing Our Nation's Fisheries 3,  
16      we took the findings that we had there, we sort of  
17      tried to feed them into the "MONF-Trois" -- as it  
18      was referred to -- conference. The themes -- I  
19      think Emily talked a little bit about this on the  
20      first day here. You can see the three themes that  
21      were raised for the conference as a whole. I then  
22      went back and sort of cherry-picked the most

1 prominent findings that came out of the  
2 recreational discussions. Ken was one of our key  
3 presenters there.

4 And what, I think, it sort of boiled  
5 down to was, in general, many of the themes  
6 reflected what we found from the regional  
7 roundtables, that there's an interest in more and  
8 better communication, and representation -- having  
9 their voice heard in the management process, that  
10 there is an interest in exploring alternatives to  
11 MSY. A lot of the angling community feels that  
12 yield-based management may not be the most  
13 appropriate, in terms of managing a recreational  
14 fishery. There's interest in some parts of  
15 looking at more of an abundance-based management  
16 approach.

17 There was very broad interest -- and I  
18 think you've probably heard it here -- about  
19 finding additional flexibility in annual catch  
20 limits. That's something which is being looked at  
21 under the National Standard 1 guidelines -- a  
22 review which is being undertaken by Emily's

1 office.

2 Let's see -- there was pretty broad  
3 interest -- and this was expressed broadly in the  
4 roundtables, as well -- at looking at allocation  
5 decisions, always a controversial issue.  
6 Obviously, allocation is not simply a recreational  
7 issue, but affects all of our constituents and  
8 stakeholders.

9 And what sort of came to the fore on  
10 allocation was that the recreational community,  
11 what they voiced is not so much "We want all the  
12 fish," but rather, "We want a standardized  
13 approach to looking at allocation, and some sort  
14 of systematic review program, where reviews are  
15 either scheduled on some sort of a regular basis,  
16 or they're triggered -- an allocation review might  
17 be triggered by certain actions in a fishery, or  
18 events in a fishery.

19 There is interest in enhancing  
20 socioeconomic analysis and data collection, and  
21 how that data is used in decision-making. And  
22 there is, broadly, there was interest in more



1 cooperative research, with the underlying idea  
2 being the more we do together, the more trust  
3 there will be between the recreational community  
4 and the agency.

5 So, the perception survey was a pretty  
6 big deal for us. And I have just a handful of  
7 slides. I forgot to bring copies of it, but I can  
8 certainly get you copies of it and provide a link  
9 to Heidi so we can have you download it.

10 But, basically what we did was we spent  
11 about a year developing a survey for anglers. And  
12 it was the first one that really looks like, from  
13 a nationwide perspective, looks at their opinions  
14 of management and fishing quality.

15 We sent out about 36,000 instruments,  
16 starting in February, and it ran through May. And  
17 we got a little over 9,000 completed responses  
18 back. And it was distributed in the coastal U.S.  
19 and Alaska. We did not do Hawaii -- at their  
20 request. Their constituents were having what they  
21 termed "survey fatigue." They had been hit with a  
22 whole number of surveys in a row, and they said,

1 "Give us a break." So we're actually just  
2 finalizing that survey right now. And we are  
3 working on developing one for the U.S. Caribbean.

4 The benefits of this, the results of the  
5 survey, are that it gives us, you know, a snapshot  
6 of what opinion is right now. It establishes a  
7 baseline that we can look back against and judge  
8 how are we doing, in the future. And the  
9 underlying information will, hopefully, allow  
10 decision- making to be better informed at the  
11 Council, and NMFS level.

12 So, just a quick couple of slides, the  
13 key findings.

14 There were not a tremendous number of  
15 revelations, but it more confirmed what we've been  
16 hearing from anglers for quite a while. The thing  
17 that I was, frankly, most surprised about was the  
18 first: That anglers are optimistic about the  
19 future -- and you'll see the reason. We say that  
20 it's because in the survey, 81 percent of anglers  
21 plan to take the same number or more trips next  
22 year as last. And that, I was surprised about --

1       that, between the economy and the concerns we  
2       regularly hear about regulation, I thought that it  
3       might be lower.

4               What we also were able to look at -- and  
5       I didn't put these slides in -- but the 19 percent  
6       who do not plan to do that -- why? Why not? And  
7       the leading cause, by far, was their economic  
8       situation or the cost of fishing. I want to say  
9       the third highest ranked was regulation, which was  
10      about a third of the 19 percent cited regulation  
11      as a substantial cause for why they may not go  
12      fishing more next year.

13             They, anglers, have told us consistently  
14      that it's not all about catching fish, that we  
15      really go out there for a variety of reasons.  
16      Time with friends and family turned out to be the  
17      number one thing. Catching fish, obviously, is  
18      important, but, again, the biggest single driver  
19      there was "time with friends and family." Landing  
20      a trophy fish, which we often hear from anglers,  
21      or taking home a lot of fish to eat, are  
22      reasonably important, but not the drivers that

1       often we are told that they are. And we have a  
2       whole list of these. I just pulled these, sort of  
3       the high end reasons.

4               One of the interesting things we've  
5       found is that they are really interested in  
6       management approaches that preserve fishing  
7       opportunities. So they're most interested in --  
8       and the size of the font here indicates the  
9       strength of response -- they're most interested in  
10      things that really preserve their change to go  
11      fishing. So, minimum sizes, habitats, enhancing  
12      habitat, bag limits, as opposed to closed areas  
13      and shorter seasons -- things like that. That's  
14      not too surprising. Everyone enjoys -- I'd rather  
15      go out fishing, catch something that's a little  
16      smaller, than not be able to fish at all.

17             Probably one of the most eye-opening  
18      results of the study was this one: That we found  
19      those items with the check-boxes, that anglers  
20      responded, they were generally satisfied -- around  
21      the 50-ish percent that ranged from about 47 to 54  
22      percent for those -- in terms of satisfaction with

1       those items with the check-boxes.

2               They felt that it was extremely  
3       important to have their voice heard in the  
4       management process -- no surprise there. Everyone  
5       wants their voice at the table. What was  
6       disappointing, and clearly an area that we need to  
7       work on is, only less than a third of recreational  
8       constituents were satisfied that their perspective  
9       is adequately considered. So, why they all  
10      recognize the importance, very few of them believe  
11      that they are being given their due consideration.

12             And then what jumped, what was very  
13      surprising, is we often hear from the angling  
14      community that they are conservationists first,  
15      and fishermen second. The single strongest  
16      response in the entire survey was this, that 95  
17      percent response here, that they believe it is  
18      important to ensure high-quality fishing  
19      opportunities for future generations.

20             They had very strong support for  
21      recovering depleted fish stocks. 92 percent  
22      thought it was important or extremely important.

1 Same with protecting threatened and endangered  
2 species, habitat protection, and reducing the  
3 mortality of fish.

4 So their responses broadly bear out what  
5 they have been saying: It's not just about  
6 fishing, it's that, you know, "you want to  
7 preserve or conserve the fishing opportunities,"  
8 make sure there's a healthy fishery out there, and  
9 just really get out there and spend time with  
10 friends and family on the water -- for the most  
11 part.

12 So where are we going in '14? Well, in  
13 January we are holding an economic workshop on  
14 recreational issues. We're in the midst of  
15 finalizing that right now. We will be releasing,  
16 in January, our recreational action agendas, which  
17 is sort of a two-year snapshot of what each NMFS  
18 region/science center is going to focus on, in  
19 terms of recreational activities that may benefit  
20 the community.

21 In April, we will be holding our second  
22 Recreational Saltwater Fishing Summit. It will

1 be, I would envision, somewhat similar to the  
2 first one, where we bring together roughly a  
3 hundred or so constituents, and really pick their  
4 brains about what's worked so far, what hasn't  
5 worked, where do we need to sort of redouble  
6 efforts, and where do we need to change focus --  
7 are we on track, or are we off track?

8 And then from that, we will draw  
9 together the threads that will allow us to put  
10 together the next recreational action agenda from  
11 a national perspective. And, if you recall, we  
12 have a national plan that is then sort of pushed  
13 -- the framework of which is then pushed down to  
14 the regions, which build the regional action  
15 agendas.

16 And that is really it. And I'm happy to  
17 take any and all questions.

18 Yes.

19 MR. WALLACE: Two questions -- first,  
20 what is the percentage of anglers that fish in the  
21 federal zone versus the state zone? And I have a  
22 follow-up question.

1                   MR. DUNN: Yes, I don't -- offhand, I  
2           don't know the breakdown. In the survey  
3           responses, we asked where do they predominantly  
4           fish, and it was about 80-20 state waters-federal  
5           waters. So what we got was almost more of a  
6           snapshot of state regulation and federal. But in  
7           developing the survey, we found it was going to be  
8           too difficult to try and narrow down just the  
9           federal -- those folks who really fished primarily  
10          federal waters. The sample size would have been  
11          enormous. So --

12                  MR. WALLACE: And the next one is, can  
13          you bring me up to speed on MRIP, and what's going  
14          on with it, and the challenges and the successes?

15                  MR. DUNN: That -- I could take the rest  
16          of the day. So, the most -- and I'll ask Forbes  
17          to jump in here, if I leave something out. And  
18          Dave has been intimately involved, as well.

19                  Our most recent advance has been in the  
20          spring of this year we implemented, in the Gulf  
21          and Atlantic, a new dockside intercept survey, and  
22          a new methodology for applying that survey. And



1       those numbers have just recently begun to come in.  
2       I think we actually got it fielded in March, so  
3       over the summer we began to see the first returns.

4               We are -- there were some unexpectedly  
5       large changes in some of the landing estimates.  
6       Based on that -- and we're working now with the  
7       State of Louisiana and the Commission to try and  
8       figure out how to ground-truth those.

9               One of the things we want to avoid doing  
10      is sort of a knee- jerk, off-one data point from a  
11      new system. So we're trying to go back and look  
12      at how can we ground-truth these numbers and best  
13      work them into the system. So that.

14              And we are continuing to go forward with  
15      improvements in terms of our effort estimates, and  
16      completing a pilot survey -- completed a pilot  
17      survey in North Carolina -- which will allow us  
18      to, frankly, go back to a mail survey. We have  
19      found that trying to shift from the  
20      random-digit-dialing telephone survey we've been  
21      using and enhance that is complicated by the fact  
22      that people now don't use their landlines very

1 much, that people are using cell phones. The cell  
2 phones, now, you can carry your number with you,  
3 so you may have a coastal district number, you may  
4 not actually live in a coastal district. There's  
5 caller ID, people don't answer their phone, et  
6 cetera, et cetera.

7 So we've had to -- much to, I think, my  
8 surprise, anyway -- we've had to go back and look  
9 at old-school, in- the-mail systems, and we seem  
10 to be getting a fairly robust response using that.  
11 So -- yeah.

12 MR. WALLACE: Can I follow up on that?  
13 Now that saltwater anglers are required to have  
14 permits, don't you have a list of all the  
15 permit-holders, so you can just target he people  
16 who actually went out and bought a permit, and are  
17 able to fish?

18 MR. DUNN: It's not quite that easy,  
19 because there are some substantial gaps in those  
20 permit lists. For example, most states have  
21 exemptions for folks over 65 or under 16, or for  
22 various other reasons. There's also, we've found,

1 a surprisingly high rate of folks who do not have  
2 state permits. And so, as the statisticians sort  
3 of crunched the numbers, what they found was there  
4 were substantial enough gaps in the state permit  
5 databases that we can't just take those wholesale  
6 and apply it.

7 DR. CHATWIN: Russ, thanks a lot for  
8 that presentation. A couple of questions.

9 One is, you know, in the survey, did you  
10 characterize "anglers" into different types of  
11 anglers, or were they all treated the same,  
12 whether they were individual, or that they relied  
13 on charter vessels?

14 MR. DUNN: Yes, we were able to look at  
15 -- we asked them sort of their primary mode of  
16 fishing, was it shore-side, private vessel,  
17 charter for hire. So we can break it down by  
18 mode. And I don't have those statistics in my  
19 head, but that's in the summary.

20 At this point, we have the national  
21 summary that's available and up on the web. We  
22 have not completed the regional breakdown. We can

1 break it down by region, but they aren't able to  
2 do it state by state. But yes, so we do have that  
3 mode question.

4 DR. CHATWIN: That's great, because it  
5 would be interesting to see if the perspectives  
6 are consistent across different types of user  
7 groups.

8 The other question I had had to do with  
9 this statement about not -- about preferring to  
10 explore management options based on abundance,  
11 rather than (inaudible) sustainable yield. Could  
12 you elaborate more on that? Are there -- is there  
13 any work being done on that front? And is there  
14 any scientific basis for an abundance-based  
15 approach?

16 MR. DUNN: So, generally the interest  
17 that has been expressed is that if we're able to  
18 shift from a yield -- from MSY -- to an  
19 abundance-based fishery, it may allow for greater  
20 rates of interaction. That's the sort of  
21 underlying interest there.

22 The recreational community is working,

1       actually, right now on sort of better refining  
2       their thinking. It's been tossed out very  
3       broadly, and hasn't been followed up in detail.

4               And I think, as an agency, we're  
5       struggling a little bit with what exactly would  
6       that mean. And so we are anticipating that the  
7       TRCP, Teddy Roosevelt Conservation Partnership,  
8       visioning document is going to go into this in  
9       more detail.

10              We actually have a meeting set up in  
11       about two weeks between some NMFS staff and some  
12       of the advocates for this idea, to really try and  
13       get into the details, to figure out what exactly  
14       is it that they're talking about. Yes.

15              MR. RISENHOOVER: And so we are, Tony,  
16       we're looking at that under the NS1 revisions that  
17       Emily talked about: Is that something we could  
18       do? Because, you know, the Magnuson Act talks  
19       about annual catch limits.

20              And that's kind of the issue with the  
21       recreational folks is: As stocks become larger, or  
22       effort increases, they're looking at more "let's keep

1 a constant rate of fishing," instead of an absolute  
2 number, so that it's not shut down, opened, shut down,  
3 and opened -- that, as Russ said, it's more of an  
4 access issue to them.

5 But that is something that we've looked  
6 at some under NS1.

7 DR. CHATWIN: Thank you. I mean, I'd be  
8 very interested in learning what you guys find. I  
9 mean, I see some potential challenges, where you  
10 have shared stocks -- right? -- between those that  
11 are managed from a maximum- sustainable-yield  
12 basis, to those that are managed differently. So  
13 I'm sure you're thinking about that.

14 But I think it would be great if that  
15 particular issue could come back to MAFAC when you  
16 have explored it further.

17 Thank you.

18 CHAIRMAN RIZZARDI: Okay, thank you.

19 Thank you, Russ.

20 So, Ken, do you want to take over and  
21 report out from committee?

22

1           Recreational Fisheries Subcommittee Report Out

2                   MR. FRANKE: Yes, good morning,  
3       everybody. I'll be reporting out from the  
4       Recreational Fishing Subcommittee.

5                   And first, I'd like to preface my  
6       comments with a thank you to Russ Dunn, Danielle  
7       Rioux, and Forbes Darby. They have been really  
8       working hard this year with our subcommittee, the  
9       rec fish working groups, regional coordinators.  
10      And they've done a good job at getting organized,  
11      and getting regional plans put together. So, we  
12      appreciate that work.

13                  For efficiency purposes, there's two  
14      pieces to the presentation -- and they're brief,  
15      but I want to segregate the two clearly. One is  
16      the report on the white paper, followed by the  
17      actual subcommittee work plan for 2014.

18                  During the Managing Our Nation's  
19      Fisheries conference, a number of themes were  
20      repeatedly brought forward. The result was  
21      direction from NOAA leadership to query the rec  
22      fish community on these themes. The NOAA

1 administration directed Keith Rizzardi to assign  
2 the rec fish subcommittee and recreational fishing  
3 working group to engage in an exercise regarding  
4 aspects of recreational fishing and MSA. The  
5 white paper was created by the rec fish working  
6 group in response to the terms of reference  
7 outlined in the directing document. The white  
8 paper was a product of many hours of work by the  
9 national membership of the Recreational Fishing  
10 Working Group, including the Pacific Islands. It  
11 was vetted through the Recreational Fishing  
12 Subcommittee, and we had a number of questions on  
13 the contents. And we returned it to them to ask  
14 for clarification.

15 The final document, which I have right  
16 here -- Heidi, could we have someone pass these  
17 out? -- we sent this out to all of you via e-mail,  
18 because it was a work-in- progress right up until  
19 the wire last week. But you should have it in  
20 your e-mail, as well as this is a copy of it.

21 The final document was submitted to the  
22 rec fish subcommittee with the intent to use this



1 meeting as the forum to transmit this completed  
2 assignment to NOAA Fisheries. We're providing you  
3 the white paper at this time so you can view the  
4 national perspectives of the wider recreational  
5 fishing community, as represented by the broad-  
6 based Recreational Fishing Working Group  
7 membership.

8 It is important that we mention this  
9 white paper is the perspective of that group. We  
10 recognize that within the subcommittee and MAFAC,  
11 there may be varying views on aspects of the  
12 document, which will trigger future discussions.

13 At the subcommittee level, we've reached  
14 into the document and targeted specific comments  
15 for consideration by the subcommittee, and  
16 ultimately MAFAC. That will be a work-in-progress  
17 in the next period.

18 Let's see here -- an example is there's  
19 a lot of commentary about subsistence fishing. We  
20 saw dissimilarities, clearly, between the  
21 Caribbean, Alaska, Pacific Islands -- everyone had  
22 a quite different definition of subsistence

1 fishing, but it was very passionate discussion  
2 among the people that were working on the  
3 document. And you'll notice at the end of the  
4 document -- and they really insisted that you see  
5 the actual comments from the different regions --  
6 they asked that those still remain in the  
7 document, in the annex, so that you can see the  
8 difference in the perspectives.

9 But another example is -- that we need  
10 to take a look at in our subcommittee. They were  
11 already mentioned a few minutes ago by Tony -- the  
12 ACL issue, about sharing of fish, the same  
13 biomass. And also, the financial aspect of how  
14 are we going to pay for some of the  
15 recommendations that the white paper points out.

16 So, at this time, I'm going to take a  
17 look at, go over briefly, some of the high points  
18 from the white paper.

19 And I'd like to open it up at that point  
20 to questions about that. And then once we're done  
21 with that, then I'll go into the actual 2014 work  
22 list, if you will, for the subcommittee. Because

1 we want to target a bunch of the things that are  
2 brought out in this. And, again, emphasis on  
3 "this is their perspective," they're using this as  
4 a forum to respond to the requests from the NOAA  
5 leadership. But at the subcommittee and MAFAC,  
6 we're going to have our own opinions and our own  
7 recommendations that ultimately we're going to  
8 want to put forward.

9 So, with regard to the white paper,  
10 there's a strong agreement among the Recreational  
11 Fishing Working Group members that the  
12 motivations, rewards, social and economic benefits  
13 and impacts of recreational and noncommercial  
14 fisheries are significantly different than those  
15 of commercial fisheries. These distinctions are  
16 important enough that Recreational Fishing Working  
17 Group members believe management strategies for  
18 the recreational sector differ from those of the  
19 commercial sector -- which requires flexibility  
20 within the Magnuson-Stevens Fishery Conservation  
21 and Management Act, as well as flexibility with  
22 NOAA policies and guidance.

1                   Recreational fishermen primarily seek  
2     opportunities to catch fish, with some anglers  
3     preferring to catch larger fish. Overall, anglers  
4     have proven to seek access to public fish  
5     resources in responsible and sustainable ways.  
6     Recreational anglers request the ability to impact  
7     management decisions by exploring new and  
8     different approaches that rethink the management  
9     process.

10                   So that's from their prologue. And I'm  
11     going to cut to the chase and go directly to the  
12     recommendations.

13                   The following recommendations -- and  
14     these are the high points of the recommendations,  
15     without getting too far in the weeds -- the  
16     following recommendations were the collective  
17     effort of the RFWG members to address the  
18     fundamental differences and resulting needs of the  
19     recreational sector within MSA, the national  
20     standards, and/or NOAA fisheries policy. The list  
21     is not exhaustive, nor ordered in any prioritized  
22     ranking but, rather, is a consensus-based

1 reflection of the issues and solutions necessary  
2 to overcome some of the most important national  
3 and regional challenges for America's recreational  
4 anglers.

5 And I want to insert in here, we had a  
6 lot of phone calls, a lot of dialogue. While this  
7 is relative consensus, there was still clearly  
8 dispute over some of the themes. They tried to  
9 come to agreement on what they wanted to put  
10 forward in this white paper. So this is the  
11 majority of the group.

12 National significance data -- improved  
13 data collection and data systems are necessary for  
14 timely and responsive management, MRIP being point  
15 of discussion. This must include social,  
16 cultural, and economic data, as well as catch and  
17 effort data.

18 Rebuilding flexibility in  
19 stock-rebuilding time frames is needed. A big  
20 issue to them is if a stock is on a good  
21 rebuilding rate, they want the opportunity -- not  
22 necessarily that they have to catch a whole bunch

1 of fish, but that they have the opportunity to go  
2 fishing. And so that was important to them, is  
3 getting an analysis of can we give people an  
4 opportunity, even though we're on a rebuilding  
5 plan, just so that economically and for religious  
6 and cultural reasons, they can have that chance to  
7 go fishing?

8 Required rebuilding time frames are  
9 necessarily, but they should be determined based  
10 on species' life histories. As long as stocks  
11 move in a forward rebuilding trajectory,  
12 regardless if quotas are exceeded, fishing should  
13 be allowed. Seasons should not be restricted  
14 unless removals are significantly affecting the  
15 stock.

16 Now, we know that there's going to be  
17 issues with that -- that last statement. There's  
18 no question.

19 IFT, IFQ, and catch shares -- catch  
20 shares programs are not appropriate for the  
21 recreational sector. New entry opportunities and  
22 equal access to a public trust resource are

1 imperative to effectively manage the nation's  
2 fisheries resources for the good of all. That  
3 kind of gets back to that "having an opportunity"  
4 kind of deal.

5 Other statutes -- the ESA, MMPA, and  
6 NMSA -- have placed restrictions that, at times,  
7 appear unreasonable to recreational fishermen in  
8 some regions. ESA and MMPA risk assessments and  
9 population estimates are often based on very poor  
10 data. A lot of emphasis and discussion was about  
11 data collection in all of the different calls that  
12 we had.

13 Sanctuaries may close areas to fishing  
14 without adequate baseline data or monitoring to  
15 demonstrate conservation benefits. A separate  
16 review of these statutes is needed to ensure that  
17 unnecessary closures to recreational angling are  
18 not a consequence of statute implementation.

19 Cooperative research programs should be  
20 adequately funded, and specifically provide  
21 opportunities for recreational fishermen to be  
22 involved with study design, data collection, and

1 reporting. The Coastal Angling Tagging  
2 Cooperative Project out of Scripps Institute of  
3 Oceanography is a current example.

4 And that's kind of an important one.  
5 We've got -- they've tagged, I don't know, 10,000,  
6 12,000 fish already, inside and outside MPAs, so  
7 that they can really quantify how much moves  
8 inside and out: Is there truly a spillover  
9 effect? And they're doing it on the commercial  
10 passenger boats, involving the recreational  
11 anglers, with a team of scientists aboard the boat  
12 at the same time.

13 There's another project that they're  
14 doing, using descending devices, which is going to  
15 have a very far- reaching effect on our coast,  
16 because these endangered species, if they can be  
17 taken back down to depth and released alive, then,  
18 logically, there's no reason to have to close huge  
19 expanses of ocean to protect them anymore. So  
20 that's another project where they're working with  
21 the fishermen and the scientists and some of the  
22 environmental groups. World Wildlife Fund is



1        actually going to be aboard a boat tomorrow doing  
2        that project. So it's kind of nice to see these  
3        cooperative research efforts, and see something  
4        come out of the pipe at the end of the road.

5                There's one National Fish and Wildlife,  
6        that Tony, his team funded, that they're working  
7        on right now. What's going to come out of the  
8        pipe, for the pennies it's invested, is going to  
9        be millions of dollars of economic impact to our  
10       region, ultimately, which is a huge deal.

11               Separation of commercial and  
12        recreational fishing -- it is detrimental for  
13        recreational fisheries to be lumped together with  
14        commercial fishing operations. Create separate  
15        languages to regulate commercial and recreational  
16        fisherman -- allows lawmakers the freedom to put  
17        regulations into place that make sense for  
18        everyone.

19               You'll recall, several years ago we had  
20        a MAFAC recommendation, and the Vision 20/20  
21        process, where this same theme was brought up by  
22        many people within our group.

1                   Sensible allocation between commercial  
2                   and recreational fisheries -- same issue.

3                   Annual catch limits need to be based on  
4                   solid science, with flexibility for non-targeted  
5                   and incidentally- caught species. For coral reef  
6                   species in particular, there is not enough life  
7                   history and stock assessment data to provide  
8                   reasonable ACLs and ACTs. Proxy species within  
9                   complexes may not be representative.

10                  And, finally, consider management at the  
11                  state level, where appropriate. In many cases,  
12                  federal agencies are not the most appropriate  
13                  organization to manage fisheries. Where  
14                  applicable, state or fisheries management  
15                  commissions should take control of managing fish  
16                  populations. This would allow organizations to  
17                  manage fisheries with greater attention to detail.

18                  So, on a high level, those are the  
19                  comments from our nationwide Recreational Fishing  
20                  Working Group membership.

21                  At the subcommittee level, we read their  
22                  initial white paper. We had a series of questions

1 we sent back to them and asked for clarification  
2 on. And they responded back with their final  
3 document, if you will.

4 So our purpose is this will be the  
5 transmission point, where the NOAA leadership gave  
6 the assignment to this group. They wanted to give  
7 us all an opportunity to see it before it went to  
8 the NOAA leadership. And then, at the  
9 subcommittee level, we've targeted some of the  
10 things that are within this white paper, that  
11 you'll see in our work plan that we're going to  
12 address and bring to you all for consideration and  
13 clarification: Subsistence fishing, the ACL  
14 issue, some of the financing issues.

15 But, anyway, at this point I'd like to  
16 open it up for any questions. I'll do my best.  
17 But, again, there were mountains of phone calls by  
18 the working group. But I'll do my best to answer  
19 any questions you might have.

20 CHAIRMAN RIZZARDI: I'd like to make a  
21 quick comment, for context purposes.

22 On this issue, MAFAC was asked to help

1 NOAA Fisheries gather information to better  
2 understand recreational fisheries stakeholder  
3 perspectives. And Ken has generated a really  
4 substantial work product, and achieving consensus  
5 among a national group of rec fish stakeholders  
6 itself is something to be applauded.

7 I want to be clear, though, that we are  
8 not asking MAFAC, as a body, to endorse the  
9 recommendations in this document. This is  
10 effectively a fact-finding effort, and Ken has  
11 done that, and documented it. This document, I  
12 know, would not reflect a broad consensus of MAFAC  
13 membership. And it reflects a more narrow  
14 viewpoint of the rec fish stakeholders.

15 That said, it seems to be an accurate  
16 depiction of their perspectives, and that's all  
17 that MAFAC is being asked to acknowledge.

18 MR. FRANKE: Yes, I'd like to also  
19 comment that -- I mentioned it before, but now we  
20 see what's important to them, and we see targets  
21 that we can hopefully bring some clarity to, and  
22 make good recommendations from MAFAC itself.

1                   You know, as a matter of fact, why don't  
2       -- Keith, why don't I go ahead, and I'll go over  
3       the 2014 work plan so the group can see exactly  
4       what we're talking about.

5                   So, item number one -- this is what the  
6       subcommittee's looking at, of items. And we're  
7       going to probably grow it a little bit from here.  
8       I have to apologize -- my subcommittee, due to  
9       illness and injury, I'm a one-man show right now,  
10      although they've been engaged all along the way  
11      here. So, once I get back together with them --

12                  MS. MORRIS: Is this something that we  
13      have that we can look at, or we're just listening  
14      to what you're reporting on the work plan?

15                  MR. FRANKE: No, I'm just -- these six  
16      items, you do not have yet in writing. I'll be  
17      giving them to Heidi.

18                  One -- develop recommendations for topic  
19      development for the Recreational Fishing Summit.  
20      So, we've been, at the subcommittee level, trying  
21      to support, frankly, the efforts of the NOAA  
22      recreational team, fishing team. So we're going

1 to come up with items that we feel, based on some  
2 of the comments in the white paper, should be  
3 discussed in their summit. So it will be a  
4 collaborative effort there.

5 Digest work product from the summit, and  
6 define topics of input for opportunity for MAFAC  
7 -- where we're going to take a look, once it's  
8 been, the dialogue's been had over some of these  
9 things, we can come back and hash that out at our  
10 level.

11 Make recommendations to NOAA on  
12 recreational fishing action agenda -- the source  
13 of the recommendations will be based on the input  
14 obtained at the Recreational Fishing Summit  
15 scheduled for the spring. The information will be  
16 used for implementation by the fall of 2014. So  
17 that action plan is what the regional coordinators  
18 are going to use as their work guide as they  
19 proceed.

20 Evaluate the term "subsistence fishing,"  
21 and ACLs as applies to MSA reauthorization.

22 Request regional offices -- I'm sorry,

1 request regional administrative offices for an  
2 evaluation of the regional coordinator positions.  
3 Provide any audit material relating to the  
4 position, in terms of time allocated and projects  
5 completed or in development. This information  
6 will be utilized to make recommendations on  
7 improving organizational efficiency, as pertains  
8 to interacting with the recreational angling  
9 community. So that piece, we're actually going to  
10 be asking a question of NOAA: How are they doing?  
11 Can you give us information and brief MAFAC, the  
12 subcommittee, on, you know, what's the work  
13 product, what's the work plan. And we'd like to  
14 make comment on that.

15 Make recommendations on enhancing MRIP,  
16 or otherwise improving adequacy of rec fish data  
17 for management decisions.

18 So that's the work plan for 2014 for the  
19 subcommittee. And you can kind of see where it's  
20 tied in to a lot of the comments that were put  
21 forward in the white paper.

22 With that, I'd like to submit it to any

1 questions you might have.

2 Tony -- oh, I'm sorry. Everyone's  
3 pointing fingers at each other here. Raise a hand  
4 here.

5 Yes, go ahead.

6 MR. CLAMPITT: Thanks, Ken. In this  
7 document you're trying to differentiate rec from  
8 commercial, and charter-for-hire from commercial.  
9 And I just want to point out an inconsistency. I  
10 know that we're not rubber-stamping this thing  
11 here -- thank you -- so I don't plan on getting  
12 into a big argument, but I'm just going to point  
13 out an inconsistency.

14 On page 10 of the printed document,  
15 under "Supporting quotes," it says:  
16 "Charter-for-hire captains are operating in  
17 commerce like commercial fishermen, but are  
18 handicapped by a derby fishery that does not allow  
19 them to fish when they have customers available."

20 So I just want to point out that I  
21 understand the problem with derby fisheries. And  
22 you also say that IFQs are not a solution, in the



1 first part of the paper.

2 But it seems to me that the one thing  
3 IFQs does do is solve your derby problem. And I  
4 also agree that charter- for-hire captains are  
5 operating in commerce like commercial fisherman.

6 So it seems inconsistent with the  
7 earlier part of your document.

8 MR. FRANKE: No disagreement. I think  
9 that was an observation of one of the subcommittee  
10 members, as well.

11 Yes, Michele.

12 MS. LONGO EDER: A fine report and a  
13 fine job. Thank you. And I found that the report  
14 was really educational, for me.

15 Two things struck me. One was the  
16 similarities, recognizing the similarities between  
17 recreational fishermen and commercial fishermen  
18 were themes, I think, throughout the document --  
19 whether it's cooperative research or addressing  
20 flexibility in rebuilding. But there were two or  
21 three things that were pervasive throughout the  
22 document that recognized issues that rec fish and

1 commercial fishing have in common.

2 And something else I noted in the  
3 document was -- and it was somewhat surprising to  
4 me, because the really negative perception of  
5 commercial fishermen, or the very limited  
6 perception of commercial fishermen and their  
7 motivation, as perceived by the comments received  
8 from recreational fishermen in the survey. And  
9 that kind of took me by surprise. I realize that  
10 there are differences, but I think almost the  
11 vitriol, or the narrow perception was a surprise.

12 And I see -- and what I'd like to  
13 suggest is, I see that there's proposed themes for  
14 the 2014 Recreational Fisheries Summit. And one  
15 of the ones suggested -- and one of the reasons I  
16 understand it provoked those comments was because  
17 it was one of the survey questions: Identify --  
18 you know, what do you see as differences and  
19 similarities between rec and noncommercial? Well,  
20 when you ask for the differences, you got a  
21 perception, and that was real.

22 But as part of the conference, I think

1       it would be extremely constructive, as suggested  
2       in this document, to address in the seminar about  
3       the differences and the similarities, and to do  
4       that to bring in people who represent the culture  
5       of commercial fishing, whether it be from academic  
6       standpoint -- Madeline Hall-Arber, at MIT, with  
7       Sea Grant, a sociologist who publishes  
8       peer-reviewed work about the culture of commercial  
9       fishing families, Bonnie McKay from Rutgers  
10      University, Flaxen Conway from Oregon State  
11      University. All of these people are from  
12      academia, who develop work on the culture of  
13      commercial fishing.

14               And I think that, as well as bringing on  
15      some representatives of commercial fishing to help  
16      address these differences that are perceived by  
17      the recreational fishermen.

18               Again, I understand that this isn't a  
19      document, the content of which is to be agreed by.  
20      It is so striking, the dismissive, I think,  
21      almost, perception of commercial fishing as simply  
22      only being for profit, without any comments

1 recognizing the similarities of the generational  
2 aspect to it, the satisfaction of commercial  
3 fishermen in engaging of what they do out of great  
4 passion, the importance to families, the cultural  
5 traditions, the support of fishing communities.

6 I'll always remember what my late son  
7 said to me. "We feed people, mom. That's what we  
8 do."

9 That isn't recognized here. And the  
10 fact that the commercial -- a national survey,  
11 those comments -- you know, that kind of  
12 perception isn't reflected, says to me that we  
13 need to work better together with the recreational  
14 community.

15 So, I would encourage, in planning the  
16 conference, that that be part of the program.

17 Thank you.

18 MR. FRANKE: Thank you, Michele. I do  
19 feel compelled to point out that -- I understand  
20 your comments. But the tone of the people that  
21 were on the calls, there was no adversarial,  
22 them-against-us type of dialogue. It was more a

1 matter of, from their view, differentiating how  
2 they're different from commercial. But we also  
3 have to acknowledge that some of them did both.

4 And I think -- so some of your passion  
5 was shared by them, especially in the Pacific  
6 islands where, you know, they did commercial fish  
7 for tuna, and then they also had their cultural  
8 and religious aspect of it, as well.

9 But thank you very much for your  
10 comments. Any other comments, questions? Yes.

11 MR. CORBIN: Actually, that leads to my  
12 question. Your document raised the concept of  
13 subsistence fishing, and how it's treated in MSA.  
14 And you think it categorizes a regional issue.

15 Will that be part of the work plan? And  
16 what's your sense of the priority in dealing with  
17 that issue?

18 MR. FRANKE: Yes, I think that was Item  
19 Number 4 on our work plan. And we -- it was  
20 interesting, between Alaska -- I'll give you an  
21 example: Hawaii, or the Pacific Islands. They'll  
22 go fishing, and they'll have four tuna. One will

1 be for the family, one will be for a friend or  
2 relative, the other two, they may sell as a means  
3 to get money back to pay for the fuel, so that  
4 they could go do their subsistence fishing.  
5 That's their view of subsistence fishing. That  
6 was very contrary to the Alaska version, and  
7 contrary to the Caribbean.

8 So it was a matter of, on a high level,  
9 they felt subsistence fishing was important, and  
10 they felt that it should be, you know, reflected  
11 in MSA, but then on a regional level, the clinical  
12 definition in their region, they felt, needed to  
13 be almost segregated from that in some fashion,  
14 just because they have different religious pieces  
15 of it, cultural, as well.

16 So, it's a matter of how do you  
17 appropriately address that.

18 So, your point's taken well, and that's  
19 why it's on our work list.

20 Yes, Tony.

21 DR. CHATWIN: Thanks, Ken. So, just on  
22 that issue, one of the things that was identified

1 in the Strategic Planning Subcommittee is -- and  
2 that we'll be talking about later, in the  
3 report-out -- is to explore this idea of defining  
4 more clearly different user groups, including,  
5 sort of, groups within the recreational sector,  
6 and subsistence fishermen, and others, because  
7 those have implications for management.

8 And so, I guess my comment is just, as I  
9 mentioned to you before, I think we need to work  
10 closely on this one so we're not duplicating  
11 efforts. And so that should be on our collective  
12 work plan.

13 MR. FRANKE: Yes, I agree. Yes, Julie.  
14 And then Dave.

15 MS. MORRIS: I want to echo Michele's  
16 remarks, just in the spirit that, as MAFAC, what  
17 we're trying to do is get sectors who may not  
18 understand each other have the kind of  
19 conversation and working together that helps them  
20 deepen their understanding of each other's work  
21 and motivation. So, if that does fit with your  
22 April summit topic, it does seem like it's a

1       glaring need that may MAFAC could try to  
2       facilitate.

3               As I read through the report, I was  
4       pretty confused about the process and the kind of  
5       useful response that MAFAC could make to this  
6       document. And so, "form to transmit" is something  
7       that I think both of you have mentioned. You  
8       wanted us to see it, but not really comment on it,  
9       not really give a MAFAC response to it. And so,  
10      it leaves me feeling a little sidelined, with a  
11      lot of responses and reactions that I have to the  
12      stuff that's in the report.

13              And so, what you're offering to us is  
14      this, some subset of this work will become,  
15      through your work plan, a MAFAC work product,  
16      where we all get to bring our experience and  
17      expertise to that work at some time in the future.  
18      But still it feels a little odd to be a  
19      transmitting -- I feel odd transmitting a document  
20      that triggers a lot of responses in me.

21              And I'm really eager to talk about all  
22      of those things, but I'm being told that this is



1 not the time or place to talk about them.

2 So, I shouldn't -- it seems like I'm not  
3 -- the cues I'm getting is that I shouldn't go  
4 through and offer commentary on some of the things  
5 that I agree with, and some of the things I don't  
6 understand, and some of the things that I clearly  
7 disagree with at this time.

8 Is that the direction that I'm getting?

9 MR. FRANKE: Well, you've run directly  
10 into the conundrum that we had faced, because we  
11 had many phone calls about this exact issue of:  
12 the assignment was given, and the broad-based rec  
13 fish working group responded to the assignment.  
14 We were given an opportunity to take a look at it.  
15 That material, they need to use for the rec fish  
16 summit, which they want to do. And I know that at  
17 the, you know, at the NOAA leadership level, they  
18 wanted that group's input. They needed a process  
19 to appropriately move it into that realm so that  
20 they could use it, and I think that's what the  
21 issue was.

22 We're getting an opportunity to look at

1       it. And I understand the frustration of it. But  
2       I think, from the white paper, we've all seen a  
3       number of themes in there that, at MAFAC, now  
4       we're going to have a chance to go ahead and weigh  
5       in and make recommendations to the NOAA leadership  
6       on our own on those hot points.

7               So, I would submit that, just as a point  
8       of efficiency, we go ahead and digest the  
9       material. And then, at our various subcommittees  
10      levels, we can go ahead and weigh in and, through  
11      MAFAC, make recommendations. If we disagree with  
12      some of the commentary, we can go ahead, by all  
13      means, and do that, and then it does become  
14      on-the- record from MAFAC, as a matter of process.

15             I think that's probably the most, the  
16      cleanest way, in order to get this thing done.

17             Dave?

18             MR. WALLACE: Well, Julie said some of  
19      the things that I wanted to say. And I'm glad she  
20      did. So that gives me more time to say other  
21      things.

22             But, I read this document three or four

1 days ago when I got it, and I guess I wasn't very  
2 happy with it -- not surprised by it, but just not  
3 happy with it, especially as I -- the nuance that  
4 it portrays of commercial fishermen.

5 Because I don't think that that's fair.  
6 Back when this started, I suggested that maybe the  
7 commercial fishing industry should also do the  
8 same exercise simultaneously. We would have had  
9 exactly the same document in reverse, you know.  
10 And what I want to make sure that the  
11 administration doesn't do is say -- and as Julie  
12 just said was frustrated with -- that this  
13 document then becomes freestanding -- you know,  
14 there's no pushback whatsoever.

15 Because I have 50 comments per page, you  
16 know. So I find that frustrating also. The other  
17 thing that needs to be clearly enunciated is:  
18 Recreational fishing is predominantly a state  
19 function, not a federal function. These gentlemen  
20 are the people you should be talking to, and their  
21 constituents, or their bosses. And you don't go  
22 to the ASMFC meetings -- you're fortunate -- but,

1       or the Gulf meetings, the Gulf commission  
2       meetings, because they are highly contentious,  
3       because most of the fish are caught in state  
4       waters. Now, some of them migrate into federal  
5       waters and back, but, you know, we have the large  
6       pelagics on the East Coast, are the only big  
7       fishery that we have, our trophy fishery that we  
8       have, that is conducted offshore. All the rest of  
9       it is essentially in the tributaries, where the  
10      fish are. And there are lots of fish that are not  
11      managed under the Magnuson-Stevens Act because  
12      they never leave state waters.

13               And so -- and most of the fish that are  
14      caught are those in state waters. And so, you  
15      know, thank you for thinking of us but, you know,  
16      you probably really need to talk to the people who  
17      really make the decision.

18               Thank you.

19               MR. FRANKE: Thank you, Dave.

20               CHAIRMAN RIZZARDI: Ken, in light of the  
21      comments, do you think we could include a  
22      disclaimer on the document, something along the

1 lines of "This document does not reflect the broad  
2 consensus viewpoints of MAFAC. It reflects only  
3 the opinions of a more narrow but national group  
4 of recreational fishery stakeholders"?

5 MR. FRANKE: I think that would be  
6 appropriate. Ted.

7 MR. AMES: Yes, I just wanted to add a  
8 little reality to the report. I think it was an  
9 excellent survey.

10 You know, you covered a lot of people  
11 and a lot of area. Maine has a whole state-full  
12 of owner-operator fishermen. The difference  
13 between recreational fisherman and a commercial  
14 fisherman in the State of Maine is that the  
15 commercial fisherman found a way to support their  
16 love for going fishing. Some went full-time  
17 fishing, and some went skippering party boats.  
18 But it was because they were good at what they  
19 loved doing. And I suspect the same is true all  
20 over the country.

21 So, as long as we keep that in mind --  
22 we've met the enemy and they are ourselves -- then

1       that differentiation between rec fishermen and  
2       commercial fishermen is really pretty thin.

3               MR. FRANKE:   Thank you, Ted.

4               MS. BONNEY:   First of all, I want to say  
5       that, dealing with fish -- I deal with a subset of  
6       the commercial fishermen, and trying to get them  
7       all in the room to agree on anything, or talk  
8       about anything, is a challenge.   So my hat's off  
9       to you guys to try to talk the larger group of rec  
10      folks all over the U.S. -- and Hawaii and Alaska.

11              I'm trying to think about how we move  
12      from where we are now -- which, you've basically  
13      done a substantial amount of work, brought a list  
14      of recommendations through us, but not really to  
15      us.   And I'm unclear how this is going to move  
16      forward in terms of the conversation with the  
17      agency.

18              So, a key suggestion that there's some  
19      kind of disclaimer on the document, or maybe even  
20      a watermark that says it has not been approved by  
21      MAFAC, would make sense to me.

22              But then my next question is, what

1 happens next? So, you've laid out -- and I'm not  
2 sure that I got everything on your list of six  
3 things, but the first was your subgroup is going  
4 to develop a set of topics for the rec summit  
5 that's going to happen in the spring of this year?  
6 Is that right? And then, after that, you're going  
7 to identify topics where you feel MAFAC needs to  
8 weigh in?

9 So, I mean, I guess I'm wondering how  
10 we're having a conversation with the rec guys,  
11 when you're basically saying: We want to talk to  
12 you here, but we really don't want to talk to you  
13 over on this side of the table.

14 So, how do we decide what is in our --  
15 what? -- bailiwick, in terms of endorsement and  
16 advice to the agency?

17 So that's one question. Then, you also  
18 suggested that the rec was going to have an action  
19 agenda that you wanted to implement later in 2014.  
20 What is -- does that mean that we're going to  
21 interact sometime between that action agenda, in  
22 terms of advice to the agency, in terms of that

1 action agenda? And I'm kind of --

2 So, I'm really trying to focus on your  
3 schedule of interaction with the agency, and  
4 advice, and where we fit in, and how we have a  
5 global view, and not just be, you know, narrowly  
6 scoped, versus really being a part of the  
7 conversation?

8 MR. FRANKE: Great questions, Julie.  
9 With the best of our abilities, we're going to  
10 have that summit. And I'm not sure how the  
11 invitation list is going to go. Maybe it might be  
12 worthwhile to have commercial fishing  
13 representative there at the summit, as well, from  
14 one of the other subcommittees.

15 But, with the best of intentions, we  
16 want to glean from that, things that we can target  
17 in MAFAC, so that we can have that discussion.

18 So, what I would do is I'd take that  
19 white paper and digest it, and then things that  
20 you think, within your subcommittee that should be  
21 looked at, and you feel that a recommendation  
22 should be made -- even if it's in glaring



1       opposition to whatever the comments are -- feel  
2       free. We're going to do the same thing at our  
3       subcommittee, as well. Take it as a data point.

4               The white paper, when it went out,  
5       you'll recall it already have a cover memo on it,  
6       basically saying that this is not going to be work  
7       product of MAFAC, as such. We did see that. And  
8       I'll put one, a little bit more detailed, before  
9       we go forward with it.

10              But my recommendation would be: Look at  
11       it, digest it, have representation at the summit.  
12       And I'm sure that Russ will be willing to do that.

13              And then, as aggressively as we can,  
14       within our schedule parameters, try and give Russ  
15       Dunn and his team recommendations for their work  
16       plans, and, as much as we can, pipeline it through  
17       MAFAC for recommendations.

18              I think that that's about the beset that  
19       we're going to be able to do. And if anybody has  
20       a recommendation of a way to improve on that, by  
21       all means, bring it forward.

22              We'll be happy to do it. Keith?

1                   CHAIRMAN RIZZARDI: Along those lines,  
2       the work planning process that we're going through  
3       right now for 2014 has, as its goal, for MAFAC to  
4       make recommendations on Magnuson reauthorization.  
5       This document has rec fish perspectives on  
6       Magnuson reauthorization. It will be one of the  
7       things that MAFAC can chew on and consider when we  
8       shape our own set of recommendations that,  
9       hopefully, will achieve a broader consensus.

10                   So, I think there will be plenty of  
11       opportunities in the various subcommittees to pick  
12       up on things in here, disagree with things in  
13       here, and put out MAFAC's own statements on it, as  
14       part of what we're going to be doing over the  
15       course of the next eight months.

16                   MR. FRANKE: Yes one comment real quick  
17       -- Dave Wallace had, I mean, a great idea. This  
18       was one data point.

19                   There's nothing that prevents other  
20       entities from preparing white papers and putting  
21       them forward. This one was specifically  
22       requested. That doesn't negate anybody else

1       wanting to go ahead and put a white paper forward,  
2       and an opinion in to the administration.

3               Julie?

4               MS. BONNEY: I guess I was just --  
5       obviously, we have our meeting now. And they're  
6       going to come up with their list of Magnuson  
7       recommendations. But you also had suggested that  
8       you wanted input through our committee structure  
9       on the overall white paper.

10              So, would this be something where we'd  
11       have a teleconference, or a -- I mean, how are we  
12       going to get input from the overall group on the  
13       white paper, versus just dealing with the Magnuson  
14       topics? Unless we're not going to go there with  
15       the white paper.

16              MR. FRANKE: As a point of  
17       clarification, the white paper is what it is. If  
18       your subcommittee -- my recommendation was, if  
19       your subcommittee sees something of substance in  
20       there that they want to express an opinion on, go  
21       forward and do so. It's not going to change the  
22       content of the white paper. The white paper's

1       going to stand on its own legs. It's its own  
2       document.

3               Alan, did you have a comment?

4               MR. RISENHOOVER: Yes -- and I think  
5       that's right. So you've got a timing issue here,  
6       where MAFAC won't meet again before the April  
7       summit, as I understand it. So, from an agency  
8       perspective, that may be where we need the most  
9       input the soonest, if you have any. They've  
10      listed some potential topics here for the summit.  
11      If MAFAC, or members, have an opinion on those  
12      topics, that's more timely.

13              Some of the broader issues raised in  
14      this paper don't have a short timeline or fuse.  
15      So, I noticed, glancing through, that they propose  
16      some changes to the Magnuson Act. This committee  
17      can use that as an informed piece of information  
18      from the rec community to put into their broader  
19      Magnuson Act recommendations to the agency.

20              So, this document isn't going to be  
21      acted upon by the agency in any way, other than  
22      that agenda in the near term, as near as I can

1 tell. So, again, that's without the benefit of  
2 reading it fully.

3 So, as the committee determines what it  
4 thinks its recommendations on Magnuson Act, or  
5 National Standard 1 guideline revisions, this  
6 document may inform, or serve as a recreational  
7 perspective on that that the committee could  
8 consider in the large context of other thoughts  
9 from other groups.

10 But I think the nearer term thing is  
11 more the '14 summit, would be where we would need  
12 info.

13 MR. FRANKE: Yes -- John?

14 MR. CORBIN: Ken, considering the  
15 importance of aquaculture in maintaining  
16 freshwater recreational fishing opportunities --  
17 and take advantage of your big-picture perspective  
18 -- can you comment on the level of interest within  
19 the marine recreational community in promoting  
20 greater involvement of NOAA in research on stock  
21 enhancement for coastal species? Is that even an  
22 issue that came up in any of these discussions?

1                   MR. FRANKE: No, that did not come up in  
2 any of the discussions.

3                   Oh -- Russ, go ahead.

4                   MR. DUNN: Yes, so I think there  
5 certainly is interest in many parts of the country  
6 on that issue. It is growing stronger,  
7 particularly in the Gulf of Mexico, given the  
8 dollars that are flowing down there. There is a  
9 pretty active consortium that is -- of states and  
10 private sector interests who are putting together  
11 a series of hatcheries in the Gulf of Mexico right  
12 now, to begin enhancement work.

13                   And the agency is putting together a  
14 working group to look at hatchery-related issues  
15 for enhancement purposes.

16                   I don't know what the schedule of that  
17 is. It's still in the preliminary planning  
18 stages.

19                   But there certainly is interest. And we  
20 hear it primarily in the southeast and in the Gulf  
21 of Mexico.

22                   MR. CORBIN: Can I contact you later and

1 get a little more information on that?

2 MR. DUNN: Sure.

3 MR. CORBIN: Thank you.

4 MR. FRANKE: Columbus, and the Julie.

5 MR. BROWN: There is one topic that I am  
6 not sure was talked about, but I'd appreciate  
7 knowing if the non- consumptive recreationalists  
8 -- divers, photographers -- who are a growing  
9 group of individuals that are seeking recreation,  
10 have they been considered in any of these  
11 deliberations?

12 MR. FRANKE: No, they were not. It was  
13 exclusive, recreational sport fishing.

14 Julie.

15 MS. MORRIS: I guess what I'm hearing is  
16 that if I want to share my responses to this  
17 document with anybody after this meeting, the most  
18 productive thing is to provide input somehow to  
19 shape the April recreational summit? Is that --  
20 am I -- is that what Alan and Ken are telling us?

21 MR. RISENHOOVER: Yes, I think that's  
22 the nearest- term thing that's going to happen.

1       So, I don't see Magnuson Act, or NS1 -- well, I  
2       know NS1 guidelines won't be done by April,  
3       because that's more in our control. But Magnuson  
4       Act, I don't see passing by April, or the agency  
5       having a bill out. Whereas, the agenda for that  
6       summit needs to start coming together very soon,  
7       and we do have a rec perspective on that now.

8               MS. MORRIS: Okay, so I guess I'm going  
9       to suggest that we have a MAFAC conference call  
10      for whoever is interested in this that focuses on  
11      the agenda for the April summit. And if something  
12      in between this document and provide some input on  
13      the April summit.

14             And my concern is that there's this kind  
15      of siloed response from recreational fishery. And  
16      I understand why there is, because there's this  
17      sense among the recreational sector that they  
18      haven't been heard, that they haven't had a strong  
19      representation of their interest at the NOAA  
20      Fisheries level, and that that culture needs to  
21      change. But it also seems like part of how we  
22      work as MAFAC is that we're trying to synthesize



1 perspectives, and not just have siloed  
2 perspectives here.

3 And so I think it would be a benefit, at  
4 this point, in the work of the recreational group,  
5 to have this more synthesized MAFAC input in the  
6 design of the April agenda, to start to overcome  
7 some of the disadvantages of a siloed perspective  
8 on these issues.

9 MR. FRANKE: Thank you, Julie. I don't  
10 think there's any disagreement there.

11 Again, this is one data point. You  
12 know, everyone's going to have different  
13 perspectives. But the rec fish working group was  
14 given an assignment, they responded to the  
15 assignment. And I don't want to read more into  
16 that than there was.

17 And then, again, I just want to  
18 reiterate: I was on the majority of all the  
19 calls, and engaged with these folks. A lot of  
20 them were commercial fisherman. It wasn't an  
21 adversarial kind of thing, they were just trying  
22 to clearly define what the difference is between

1 the two. So, I wouldn't read more into it than  
2 there was.

3 Any other questions? Yes, Julie.

4 MS. BONNEY: I think it's actually your  
5 agenda that you're talking about, or proposed  
6 themes, on page 6 of the document. That's really  
7 what you're looking for, a response for the April  
8 2014? Is that correct? This is kind of the  
9 universe of topics?

10 MR. FRANKE: Correct.

11 MS. BONNEY: And I don't know how you  
12 would -- and I guess, actually, I think it's a  
13 good suite. I'm just -- I think that if you laid  
14 down a commercial perspective with the rec  
15 perspective, I think you'd find that there's a lot  
16 of overlap between both perspectives. And I don't  
17 know if there would be a way to kind of bring that  
18 to the summit -- in other words, you're talking  
19 about rebuilding ACL, the ABCs, the MSY, OY, IFQs,  
20 ITQs. I mean, I think the commercial guys have a  
21 big view. And if we're looking at National  
22 Standard 1, and trying to influence change, you

1        might be in a better spot to work in  
2        collaboration, versus just looking at it from one  
3        perspective.

4                So, I don't know -- that makes the  
5        tasking a little more difficult, in terms of your  
6        summit. But I think, in terms of some of the  
7        themes, that their cross- cultural, so to speak.

8                MR. FRANKE: Point made. Just to  
9        segregate -- so, the summit is the agency's deal.  
10       We're the subcommittee --

11               SPEAKER: (Inaudible) do that, if you  
12       want.

13               MR. FRANKE: Yes. So -- but I think  
14       that, you know, the agency's been real responsive  
15       to that. They want to do the right thing. So I  
16       think that's probably fine, to be having that  
17       additional input.

18               And like our other Julie's commit about  
19       let's have a conference call and come up with  
20       those ideas, those recommendations and such, so  
21       that, you know, that is something MAFAC can weigh  
22       in on.

1                   MR. DUNN: Yes, and I'll just say, as we  
2     develop the agenda -- we haven't even had our  
3     first meeting on the agenda itself. You know,  
4     we're actually planning on doing that Friday,  
5     internally.

6                   We are -- this is just one data point.  
7     We have gone out and asked our regional offices to  
8     develop what their perspective is, or what might  
9     be appropriate topics to be included in the  
10    agenda. We asked the rec working group what do  
11    you think it would be? And as we develop, it will  
12    be in contact with constituents to say, hey, this  
13    is the direction we're going. Is this what you  
14    all see as the right suite of issues to be  
15    addressed?

16                  So, we're not -- I mean, it sounds like  
17    there's fear that we're going to take this  
18    verbatim, and sit down with it and say, okay, go.  
19    And this is, from the agency perspective, one  
20    informed data point that will go into  
21    consideration.

22                  MR. FRANKE: One other comment, and then

1 I'll call on Dave. You know, it is a data point.  
2 As we go into this, if everybody, as a work  
3 assignment, would go ahead and jot down their  
4 ideas or recommendations for the summit, and then,  
5 prior to that time, I'll send out an e-mail to all  
6 of you and ask for you to send me your individual  
7 input. I'll put it all on one document. I'll  
8 reply to all of you with it. And then we can have  
9 our conference call and finalize that, and those  
10 would be our recommendations. And we can ship  
11 them over to Russ.

12 Does that sound like a reasonable  
13 solution? Okay. Who -- Dave, did you have  
14 another question?

15 MR. WALLACE: Yes, well, I just was  
16 hoping that Russ would put the MAFAC members as  
17 part of the constituent group. You know, because  
18 we haven't been, so far. But if we could be, it  
19 would be helpful.

20 MR. DUNN: Okay. Thanks.

21 MR. FRANKE: Any other questions or  
22 comments? Having nothing heard, thank you very

1       much for your patience. And I appreciate the  
2       spirit with which this was received. Thank you.

3               CHAIRMAN RIZZARDI: Thank you, Ken.

4       We've got a break on our schedule. And we've also  
5       got, now, copies of the underlined-strike-through  
6       version of the draft sustainability document. And  
7       there's the motion that was tabled that's coming  
8       back.

9               So, we'll take a break until 10:20, and  
10      people can have an opportunity to look at the  
11      underlined-strike-through document, and we'll  
12      reconvene then.

13                       (Recess)

14              CHAIRMAN RIZZARDI: We'll give everybody  
15      a few extra minutes to digest the document.

16              Yesterday, Dave Wallace made a motion to  
17      approve the Sustainable Certification document,  
18      based on the discussion that was at the table --  
19      which, of course, made it kind of hard to decide  
20      what we were voting on. He agreed to table it,  
21      with agreement also from Bob Rheault.

22              This document now reflects many of the

1        comments that were made. If I missed concepts, I  
2        apologize. I regret that, in George Nardi's  
3        absence, this whole task fell to me, and I want to  
4        encourage our body to achieve the greatest  
5        consensus we can.

6                I want to point out that the dissenting  
7        comments from Ms. Eder were distributed to all the  
8        members, and many of her points are noted in the  
9        final two pages of this document.

10               I think there are many points of  
11        agreement, and I don't want to lose sight of that.

12               There seems to be some substantial  
13        consensus on a business-to-business registration  
14        process, not a consumer- focused one.

15               The belief that the Magnuson process is  
16        useful to achieve sustainability.

17               Proposing enhanced use of Fish Watch  
18        seems to be a point of consensus.

19               Traceability mechanisms, and the need  
20        for revocation in some circumstances.

21               Audits by the Seafood Safety Inspection  
22        Service seem to be a popular concept.

1                   And, of course, the notion of this being  
2     fee-for- service, and not a NOAA budget burden is  
3     something that was widely echoed.

4                   There are points of disagreement, there  
5     is no question. The phased implementation with  
6     states and aquaculture coming later is  
7     controversial. And the most controversial thing  
8     is clearly that it accepts the notion of a  
9     properly managed rebuilding fishery as being  
10    sustainable.

11                  There's disagreement on that point. I  
12    understand that, and I look forward to hearing the  
13    discussion from the membership about where we  
14    would like to go with the document.

15                  But, Dave, I guess you have the motion  
16    on the table.

17                  MR. WALLACE: Yes, my motion to table  
18    was specified that it would be -- this would be  
19    addressed before noon today, and so it is. And so  
20    the motion now is lifted, and the process can go  
21    forward.

22                  CHAIRMAN RIZZARDI: Julie?



1 MS. MORRIS: I'm glad that the bulleted  
2 comments at the end have been included. I think  
3 they make it a stronger document.

4 I have a couple of specific questions.  
5 So, if you -- on page 5 there's this, we address  
6 this issue of overfished fisheries in 1-C, and  
7 then at the bottom of page 6, and lapping over to  
8 the top of page 7, there's another discussion of  
9 this issue that -- and so, those aren't quite  
10 identical. And I'm more comfortable with the way  
11 it's stated at the bottom of page 6: "NOAA will  
12 need to evaluate whether products from fisheries  
13 that become overfished would still be considered  
14 sustainable." And in 1-C, it sort of says that  
15 they will. And so I like that more "we're not  
16 sure what to do in this area. NOAA's going to  
17 have to consider what to do in this area." I feel  
18 more comfortable with that.

19 And those two, there should be  
20 consistency between those two statements.

21 CHAIRMAN RIZZARDI: Dave, would you  
22 accept striking 1-C, on page 5, as friendly?

1 MR. WALLACE: Yes.

2 CHAIRMAN RIZZARDI: Bob?

3 DR. RHEAULT: Yes.

4 MS. MORRIS: Okay, then -- thank you for  
5 that. I'm still confused about who's paying for  
6 what.

7 And so, Bob, again, maybe you can help  
8 me. It seems like we use the word "sellers" in  
9 the document, and I never know whether the seller  
10 is the person who's harvesting the product, or the  
11 person who buys it from somebody up the chain.

12 And I thought, in yesterday's discussion  
13 we talked about the traceability being paid for by  
14 -- in increments -- by everybody in the chain.  
15 But this document seems to say that the seafood  
16 sellers are paying for the traceability.

17 And so, some clarification on that,  
18 because the document is confusing.

19 DR. RHEAULT: Yes, so I gather that most  
20 of the MAFAC did not see the spreadsheet that was  
21 developed on the costs. And I regret that.

22 The traceability -- so, in order to

1 maintain a chain of commerce, and have confidence  
2 that the fish that was caught is the fish that's  
3 being sold, there needs to be some mechanism that  
4 traces that fish through the chain. Typically, if  
5 you look at a system such as Trace Register, it  
6 involves a software package, as well as some  
7 hardware that uniquely identifies a lot, so that  
8 that lot can be subdivided and processed through  
9 x-thousand pounds of fish comes in, 100 pounds  
10 goes to this guy, 100 pounds goes to that guy.  
11 This guy processes it, puts it in a box -- it's  
12 still, as long as everyone in the chain has got  
13 that, purchased into that software and the  
14 hardware -- and so there's two elements, there's a  
15 scanner that's involved, usually some sort of a  
16 printer, a tag printer, and a software package  
17 that ensures that it's the same fish through the  
18 process.

19 So, everyone has to have purchased that  
20 software and hardware as it goes through the  
21 chain, otherwise the chain is broken, and it can  
22 no longer be marketed as certified.

1                   So, everyone has to make that investment  
2           at every step of the path. And that is something  
3           that is not paid for by the certifying agency, it  
4           is paid for by the buyers and sellers of fish.

5                   Did that answer it?

6                   MS. MORRIS: Okay -- so if you look at  
7           the top of page 6, it says, "Fishery products must  
8           be traceable..." -- blah, blah, blah --  
9           "...program paid for by the seafood sellers  
10          seeking registration of their products." So that  
11          makes it sound like Michele has to pay for the  
12          whole chain of traceability.

13                   Is that what the document intends?

14                   MR. WALLACE: So, the first person will  
15          have to make the investment in software and  
16          hardware. If the second person wants to be able  
17          to sell the fish as "sustainable," that person  
18          will also need to make an investment in the  
19          software and hardware. If the third person wants  
20          to make --

21                   So, at every step of the value chain,  
22          there is an investment that is required to be

1       made.

2                   MS. MORRIS:   Okay.   So, I think the way  
3       the document reads now, it suggests that the  
4       initial seller has to pay for that documentation  
5       throughout the chain.   And so, clarifying that  
6       would make me more comfortable -- if that's what's  
7       really going on.

8                   CHAIRMAN RIZZARDI:   I'd be happy to make  
9       an insertion.   I want to point out that when this  
10      discussion took place with George Nardi, one of  
11      the points that he made was, in some instances,  
12      you may have multiple parties who all participate  
13      in this registration program, making the  
14      traceability very simple.   And then it would be a  
15      case where each incremental person along the chain  
16      would have paid for their portion of traceability.  
17      In other circumstances, you might have a person  
18      who's three down the line who wants to be  
19      registered, and then that person is going is going  
20      to have to demonstrate chain of custody all the  
21      way back, and traceability all the way back.   And  
22      it will mean that the third person in the line is

1       going to have a much bigger burden, and a much  
2       bigger cost share.

3               So there was a recognition that it was  
4       dependent on the particular facts and  
5       circumstances of who was in the chain of custody  
6       -- which is why the discussion on traceability on  
7       page 6 has that flexibility about it.

8               Do you have a specific way that you'd  
9       like me to capture your concern, Julie?

10              Columbus, you have a suggestion?

11              MR. BROWN: I share Julie's concern, and  
12       I get a little confused. And I'm trying to think  
13       this thing out. And the first thing that comes to  
14       my mind is you've got the fisherman, the fish  
15       house, the distributor, and the actual person who  
16       sells the fish to the consumer -- the Whole Foods,  
17       at that location. And I'm sure there are other  
18       permutations and combinations therein.

19              But I think it would help to have some  
20       type of a flow chart in identifying where costs  
21       are likely to be paid to the system.

22              DR. RHEAULT: If I may, Mr. Chairman.

1 Trace Register has got a website, with a whole  
2 webinar that you can go and see how their product  
3 works. And most of the other certifying  
4 organizations have a similar process, perhaps not  
5 as well documented, on the web.

6 But, these issues have been worked out  
7 by the industry already. And many people are  
8 offering the fact that you can see the QR codes on  
9 the restaurant menu, to go back and, you know,  
10 click that with your smartphone, and see the name  
11 of the fisherman appear. This is -- you know, but  
12 I don't think that any of that, and those costs,  
13 are not being picked up by this program. They are  
14 ancillary.

15 All that we are requiring for this  
16 program is that a credible traceability mechanism  
17 is in place. And who pays for it is not relevant.

18 MS. MORRIS: So, maybe we could just  
19 delete the part of the statement that says who  
20 pays for it. Because we've covered, elsewhere in  
21 the document, that it's a fee- for-services thing,  
22 that the government's not paying for it.

1                   So if we could just simplify this  
2       statement by "audited chain of custody program  
3       that allows buyers and regulators to trace from  
4       the source...", and you just delete everything  
5       about who's paying for it.

6                   I would be happy with that.

7                   CHAIRMAN RIZZARDI: Which page are you  
8       on?

9                   MS. MORRIS: I'm at the top of page 6,  
10      Number 2.

11                  CHAIRMAN RIZZARDI: So, "traceability  
12      program," period.

13                  MS. MORRIS: No, "traceability program,"  
14      and then strike "paid for by seafood sellers  
15      seeking registration of their product," and then  
16      continue with the sentence -- "...that allows  
17      buyers," "...the program allows buyers and  
18      regulators to trace the source."

19                  CHAIRMAN RIZZARDI: Number 2 on the top  
20      of page 6 would read: "Fishery products must be  
21      traceable through a credible audited chain of  
22      custody traceability program that allows buyers



1       and regulators to trace the source of certified  
2       products to its sustainable, legal, domestic  
3       source."

4                   MS. MORRIS: One more suggestion -- and  
5       this is on page 9 in the Q&As, in the section on  
6       "If a fishery is overfished," or "overfishing is  
7       occurring."

8                   I think, just three or four sentences  
9       down in that section, I think we really are  
10      rebuilding fisheries to maximum sustainable yield,  
11      not "optimum yield." So we should substitute  
12      "maximum sustainable" for "optimum" there.

13                   CHAIRMAN RIZZARDI: All right, those  
14      changes were accepted as friendly. Yes?

15                   DR. RHEAULT: Yes.

16                   MR. WALLACE: Yes.

17                   CHAIRMAN RIZZARDI: Yes -- okay. Thank  
18      you, Julie, for the constructive feedback. Other  
19      members? Tony?

20                   DR. CHATWIN: Thank you, Mr. Chairman.  
21      On your -- I have a suggestion here, add some  
22      language to your cover letter which also got

1 modified. But it's on page 2, and it's paragraph,  
2 the end of paragraph 2, where you say, "These  
3 seafood certifications fill a necessary purpose,  
4 especially for fish coming from poorly regulated  
5 foreign markets."

6 I think it's also factual that U.S.  
7 Products seeking to access foreign markets have  
8 benefitted from MSC certification. And we should  
9 acknowledge that. Because I don't think that's  
10 going to change.

11 And I suggest the language, "...and for  
12 U.S. Products seeking to access foreign markets."  
13 Period.

14 MS. MORRIS: Is that page 2?

15 DR. CHATWIN: It's page 2.

16 CHAIRMAN RIZZARDI: Dave?

17 MR. WALLACE: I don't have a problem  
18 with that.

19 CHAIRMAN RIZZARDI: Bob?

20 DR. RHEAULT: (Nodding)

21 CHAIRMAN RIZZARDI: Thank you.

22 DR. CHATWIN: Well, I have a number of

1 others. It's hard to do this on the fly.

2 Maybe it's on page 2. I wrote the  
3 paragraph number but not the page. Hang on just a  
4 sec.

5 Yes -- I think -- it is. This next  
6 paragraph, where you're saying that "an abundance  
7 of logos and programs promoting and certifying  
8 sustainability can generate marketplace  
9 confusion..." I really don't see the value of  
10 this paragraph, especially when what you are  
11 advocating is the creation of yet another one.

12 So, I recommend you strike this  
13 paragraph.

14 MS. LOVETT: The entire paragraph?

15 DR. CHATWIN: Yes.

16 MS. LOVETT: Okay.

17 CHAIRMAN RIZZARDI: Dave is nodding his  
18 head "yes."

19 Bob?

20 DR. RHEAULT: Yes, I accept that. I  
21 think trimming this document down is always good.

22 DR. CHATWIN: Well, in that spirit, I'll

1 continue.

2 MS. LOVETT: I'm just making sure it's  
3 this one, right?

4 DR. RHEAULT: Yes.

5 MS. LOVETT: This one?

6 DR. RHEAULT: Yes.

7 MS. LOVETT: Okay.

8 DR. CHATWIN: So, the next one is, I  
9 have here page 10, paragraph 2.

10 MS. LOVETT: There's only one paragraph  
11 there.

12 DR. CHATWIN: On what?

13 MS. LOVETT: On the printed copy,  
14 there's just one paragraph.

15 DR. CHATWIN: Oh, printed copy?

16 MS. LOVETT: So, if you direct us better  
17 -- are you in "Frequently Asked Questions?"

18 SPEAKER: The second paragraph is this.

19 MS. LOVETT: It's because the printers  
20 and formats --

21 DR. CHATWIN: Right. So, it's -- oh --

22 MS. LOVETT: How does it start?

1 DR. CHATWIN: Well, I'll come back to  
2 that one. There is one on, I think it's page 11  
3 -- yes -- Where you have -- yes, the third bullet  
4 on page 11, where it starts, "Some MAFAC members  
5 believe that commercial fishermen disagree..." I  
6 think we've had direct evidence supporting that  
7 statement.

8 And so I think you should strike, "Some  
9 MAFAC members believe." It's not --

10 CHAIRMAN RIZZARDI: I'll just make it  
11 "Some commercial fishermen disagree?"

12 DR. CHATWIN: Yes. So, I was grateful  
13 for the modification suggested by Julie, as far as  
14 the "overfished" language is concerned. I would  
15 like us to do the same with the "overfishing"  
16 language, and limit MAFAC's recommendation to NOAA  
17 having to explore what to do about fisheries where  
18 overfishing is occurring -- as opposed to telling  
19 that it's okay to certify a sustainable fishery  
20 where overfishing is occurring.

21 I think it's consistent with the  
22 rationale for the previous change, and we should

1       apply that, as well.

2               SPEAKER: 1.b, on page 5?

3               CHAIRMAN RIZZARDI: Bob?

4               SPEAKER: 1.b, on page 5.

5               DR. RHEAULT: So, I know I've said this  
6 before, but I personally would like to strike all  
7 of the criteria, and ask NOAA to go and solicit  
8 input from the buyers.

9               Now, the buyers are going to be faced  
10 with a choice, and some of them have expressed to  
11 us that they would like a broad program, that MSA  
12 is sustainable, and that satisfies their needs.  
13 Many of them express to us that they wouldn't  
14 agree with a program that offered overfished  
15 stocks as "sustainable."

16               They need to decide what works for them.  
17 And if they feel that they are going to get  
18 trashed in the press by the NGOs for being too  
19 broad, then they will pull back from being too  
20 broad. If they believe -- I don't believe that --  
21 we are not represented here by buyers. There's  
22 not a single buyer in this room. As I've said

1 before, if we do not create a program that works  
2 for the buyers, we have failed in our task. So,  
3 this criteria needs to be decided by the buyers.

4 And if they are too liberal in their  
5 interpretation of the word "sustainable," they  
6 will create a program that is not valuable to  
7 anyone, and they will be thrown under the bus for  
8 it, promptly. If they create one that doesn't  
9 allow them to buy enough product, then that  
10 restricts what they're able to buy.

11 But I don't think that we have the  
12 competence, authority, or -- all right, I'm not  
13 going to say the last one -- but I believe this  
14 decision should not be made by us here. I would  
15 like us to refrain from this discussion. And,  
16 personally, I would, you know, feel very  
17 comfortable in saying, you know, if it's not  
18 overfished, then its sustainable, and anything  
19 else, forget it.

20 But I am not a buyer, and I don't  
21 believe we should be making that choice. And I  
22 encourage NOAA to solicit more input. We surveyed

1 a couple dozen buyers, and we did not ask this  
2 question: Where should the line be drawn?

3 This is a very important question. And  
4 I don't think we should be trying to answer it.  
5 Keep on going on.

6 DR. CHATWIN: So, is there agreement  
7 with the maker and the seconder, on removing that?

8 CHAIRMAN RIZZARDI: I'm trying to figure  
9 out how to implement that in the context of the  
10 way this document is written. So, I'm taking some  
11 notes, and I want to see if I have captured the  
12 thought. Because it changes 1.a, as well if you  
13 strike that.

14 So here's what I would suggest, to try  
15 to capture it.

16 So, the criteria are listed on page 5.  
17 And we have the basic principle that wild-caught  
18 fish are legally caught and landed. The  
19 particularly fishery stock status is known. And I  
20 would add to the end of that, "...and the fishery  
21 is not overfished, and no overfishing occurs."

22 Then there would be -- we would



1       eliminate, under your proposal, b, c, and d. And  
2       I would replace it with, "For fishery stocks where  
3       overfishing is occurring but rebuilding plans are  
4       in place, NOAA will need to develop additional  
5       criteria, after receiving feedback from other  
6       stakeholders."

7               And I think that captures the spirit of  
8       what you had suggested.

9               I'll say it again: "For fishery stocks  
10       where overfishing is occurring but rebuilding  
11       plans are in place, NOAA will need to develop  
12       additional criteria, after receiving feedback from  
13       other stakeholders."

14               And Sam has his hand up.

15               MR. RAUCH: So, on that language, there  
16       are situations where overfishing may be occurring,  
17       but it is not overfished. And so a rebuilding  
18       plan would not be in place.

19               And so I don't know what --

20               CHAIRMAN RIZZARDI: So just say "where  
21       overfishing is occurring?"

22               MR. RAUCH: However you want to deal

1 with it. But I'm just pointing out that  
2 overfishing can occur without a rebuilding plan.

3 CHAIRMAN RIZZARDI: This was -- just for  
4 context for everybody, this was a huge point of  
5 discussion at the working group level, as well.  
6 And, as reflected in this document, you know, you  
7 take an issue of red snapper, or other fisheries,  
8 where you have a plan in place. It's being  
9 adhered to. And there is some amount of catch  
10 that is being offered that is below the limits  
11 that have been set under the rebuilding plan.

12 Is that "sustainable" or not? I  
13 understand the principal disagreement over that.  
14 And I'm simply trying to find a way for us to make  
15 a responsible statement.

16 And if the point here is that we would  
17 like NOAA to engage in further thought on that, I  
18 respect that. I'm trying to capture it  
19 appropriately.

20 Julie? Dave?

21 MS. MORRIS: Yes, I think incorporating  
22 "overfishing" and "overfished" in your statement

1       that you had just been developing, and saying that  
2       this is an area that needs to be worked through  
3       with the stakeholders, as Bob was suggesting,  
4       would be plenty in that area.

5               CHAIRMAN RIZZARDI:   So, go ahead.

6               MR. WALLACE:   I am happy to report that  
7       that's exactly what I was going to say.   You know,  
8       the administration can deal with those minutiae  
9       after talking to the stakeholders.

10              CHAIRMAN RIZZARDI:   Okay, so if I've  
11       captured those comments, I'd just change it to,  
12       "For fishery stocks where overfishing is  
13       occurring, or the fishery is overfished, or  
14       rebuilding plans are in place, NOAA will need to  
15       develop additional criteria, after receiving  
16       feedback from other stakeholders."

17              Michele?

18              MS. LONGO EDER:   Thanks, Keith.   I sent  
19       out an e-mail to Keith last night with some  
20       comments, and they were distributed to committee  
21       members.   And if you didn't have a chance to  
22       review them, I do want to highlight a few of the

1        comments.

2                    I appreciate the efforts that, and the  
3        significant time that Keith has put into trying to  
4        incorporate my comments. And that was helpful.

5                    But the language that I've used, and  
6        suggest, is a little bit more definitive in some  
7        areas than what is suggested here.

8                    Down at the bottom of the draft, page  
9        11, where the bullet point is, "The need for  
10       sufficient participation..." -- and Tony addressed  
11       this, and some of the language was modified. But  
12       I would suggest stronger language.

13                    And let me say this -- I'd either like  
14       my comments to be submitted in their entirety as a  
15       minority report, if we don't reach agreement here.  
16       I would -- okay. So, I'd like them appended to  
17       the statement, and identified as a minority  
18       report, and invite anybody else who would like to  
19       join to do so.

20                    But instead of the need for sufficient  
21       participation, I would suggest that the bullet be  
22       "Lack of a national mandate from industry."

1 And identify -- excuse me --

2 SPEAKER: What page?

3 MS. LONGO EDER: Page 11, last bullet.

4 Instead of "The need for sufficient  
5 participation," that recognizing -- instead of  
6 saying that there was, just simply that there was  
7 evidence received that there's opposition to this  
8 program, I think it needs to be highlighted that  
9 there was objection to a certification program  
10 expressed by a significant portion of the U.S.  
11 processing and harvesting sectors, and that  
12 representatives of more than one-half of the  
13 poundage of federally managed fish landed in the  
14 U.S. submitted public comment opposing it.

15 And I think that we need to identify, in  
16 this document, that there is significant  
17 objection, and that there is not a national  
18 mandate for this program to go forward. And I  
19 would suggest that language be included.

20 CHAIRMAN RIZZARDI: Dave?

21 MR. WALLACE: Well, you know, I did not  
22 go through the list of participants in that letter

1 received from the folks, some of the folks in the  
2 North Pacific. I do not know whether all of them  
3 just signed off on it, or were the energy behind  
4 that document.

5 I, quite frankly, didn't understand what  
6 drove it. I absolutely did not understand what  
7 was going to hurt them by making this a reality  
8 for most of the East Coast fishers and the Gulf  
9 Coast fishers, who are relatively small fisheries,  
10 and are not certified, and find it difficult, if  
11 not impossible, because of the expense, to be  
12 certified through MSC.

13 So, you know, are we going to talk about  
14 200 million people, or are we going to talk about  
15 25 million people? You know? And so that's --  
16 all of the people who live on the East Coast,  
17 except for a very small band right along the West  
18 Coast, and almost nobody in Alaska.

19 And so --

20 MS. LONGO EDER: I'm there.

21 MR. WALLACE: Well, you know, when you  
22 have 250,000 out of 3.3 million -- 330 million,

1       whatever, it's a pretty low percentage.

2               So, you know, I don't really have any  
3       problem with it. I just don't see it being  
4       necessary.

5               CHAIRMAN RIZZARDI: Can I interpret that  
6       as not accepting it as friendly?

7               MR. WALLACE: Yes.

8               MS. LONGO EDER: AS an alternative,  
9       then, if the maker and the seconder don't  
10      interpret it as friendly, I would ask that the  
11      letter be incorporated by reference as part of a  
12      minority report.

13              MR. WALLACE: I don't have a problem  
14      with that.

15              MS. LONGO EDER: Okay.

16              CHAIRMAN RIZZARDI: Michele, did you  
17      have further comments?

18              DR. CHATWIN: Just to that point, if I  
19      may?

20              CHAIRMAN RIZZARDI: Yes -- Tony.

21              DR. CHATWIN: So, why does it have to be  
22      incorporated as part of a minority report? This

1 bullet is stating that there is a part of the  
2 commercial industry that opposes this idea. And  
3 the evidence is that letter. So why does it have  
4 to be part of a minority report? Why can't it  
5 just be an appendix to this document?

6 CHAIRMAN RIZZARDI: I suppose that if  
7 Michele is going to file a minority report, and if  
8 she wants to attach that document to it, that's  
9 her right, to file a minority report.

10 I would note that, in response to  
11 receiving that letter, George Nardi also made some  
12 comments. And all of this is part of the record  
13 that NOAA has in front of them. And his comment  
14 was, "How are they writing, then, when they don't  
15 know the proposal yet?" -- which was one of the  
16 critiques.

17 So, I understand Michele's viewpoint,  
18 and she's entitled to put it into her minority  
19 report if she chooses to.

20 DR. CHATWIN: I don't understand the  
21 reluctance to incorporate this. This is evidence  
22 that we have received, we've all received, which



1 is very different to evidence supporting the fact  
2 that small-scale community fishermen have not been  
3 able to afford MSC. That is a statement that's  
4 been made and repeated, and I have not seen any  
5 written document to support that statement.

6 CHAIRMAN RIZZARDI: There are lots of  
7 documents that have been developed during the  
8 course of this process that are not being attached  
9 to this final work product. There were things  
10 that were done at the Boston seafood show.

11 There were discussions that took place  
12 in the work group. There is a whole record that  
13 supports this documentation. This is just the  
14 effort to summarize it.

15 So, picking one document and attaching  
16 it to the committee report gives me some pause. I  
17 can understand if the dissenting minority report  
18 wants to put it in, that's their choice. I don't  
19 get to edit the minority report. The question is,  
20 what are we putting into the consensus report?

21 Bob?

22 DR. RHEAULT: I'd just like to point out

1       that we did have a conversation with Mark about  
2       whether we should be including all the supporting  
3       documents that were developed, including the  
4       letters from the four councils that supported this  
5       idea. You know, some of the comments that were  
6       authored by -- public comments at various stages.

7               So, I mean, we could, you know, put all  
8       that in. And Mark encouraged us that that was not  
9       necessary. He's seen it all. It's part of the  
10      public record. And, you know, it's there now.

11             So, I mean, I would be willing to accept  
12      that there's people who are opposed to this, and  
13      state that. And, you know, make another statement  
14      that there are people who have come forward and  
15      supported this.

16             That's kind of a no-brainer that we  
17      expected at the beginning. And I've stated very  
18      clearly that, as soon as we come out with this, it  
19      will be attacked. That's a given. There are  
20      people with a financial interest in the status  
21      quo. I think that's very straightforward and  
22      understandable.

1                   So, does it help NOAA make its decision,  
2       to append certain letters, from certain people, to  
3       certain documents?

4                   And I ask that in good faith to Mark?

5                   DR. HOLLIDAY: My advice was based on  
6       the fact that all of the information supporting  
7       the reporting of MAFAC is open as part of the  
8       public record. And so we have testimony, or facts  
9       that were presented to you at Managing Nation's  
10      Fisheries 3 meeting, from various sectors. Last  
11      year, in October, we had people come and present.

12                  So all of those materials, all of those  
13      PowerPoints, all of those documents for, against,  
14      or someplace in between, are part of the record of  
15      deliberation of MAFAC. That's why we have a court  
16      reporter here. We have transcripts of the  
17      meetings, so we have verbatim records of what's  
18      been discussed.

19                  So this is part of that FACA requirement  
20      that these meetings be open and transparent.

21                  It's up -- I have no problem if the  
22      committee wishes to have all of that material

1 transcribed and printed out, and appended to the  
2 document. You know, NOAA, if that's your  
3 pleasure, we would do that. I don't think it's  
4 necessary to do that, but that information is  
5 available and accessible.

6 But that's your choice, versus it's not  
7 a requirement of NOAA. Nor is it a requirement of  
8 FACA to include that in a report of this nature.

9 Bob?

10 MR. BEAL: Thank you, Keith. Just, I  
11 guess, a question for Mark -- or maybe I missed  
12 it. You know, what is the process, moving  
13 forward, once this is submitted? Is there a --  
14 you know, obviously there's a decision process  
15 within NOAA, but is there a public comment  
16 process? Is there -- is that undecided, depending  
17 on what the final content of this document is? Or  
18 is that still under negotiation within the agency?

19 MR. RAUCH: So, let me take that. So,  
20 at the moment, there is not a defined process  
21 going forward, because it's unclear, at this  
22 point, still, whether you're going to actually

1 recommend anything or not.

2 If we decide -- like all recommendations  
3 from MAFAC, we take that, we decide what to do  
4 with it. We don't necessarily have to do anything  
5 with it -- although we asked you to look at this  
6 question, and we will take that into account.

7 If we decide to move forward, depending  
8 on what you have recommended, we may or may not  
9 have a rulemaking process. We may or may not have  
10 some sort of public review process. Or, it may be  
11 that we can implement something a lot more  
12 streamlined.

13 It depends on how elaborate a scheme  
14 that you want to do.

15 I would imagine that if you said,  
16 "Sustainability equals the Magnuson Act," there  
17 might not be a need for anything like that. But  
18 if you said, "Sustainability, we need to certify  
19 to some different standard," there might be a  
20 regulatory process to define what that standard  
21 was. And that would be a notice-and-comment kind  
22 of thing.

1                   I don't know that there would be notice  
2           and comment, necessarily, to establish a  
3           traceability program, because if it's  
4           fee-for-service -- assuming we have the authority  
5           now. If we don't have the authority we might have  
6           to get that authority, and there may be some sort  
7           of public process there.

8                   So, it kind of depends on what you want.  
9           At this point, though, we do, we will take what  
10          you've given us, and we will think about whether  
11          or not to implement things, and then decide what  
12          public process we need to go through, depending on  
13          what we decide.

14                   MR. BEAL: Thank you.

15                   CHAIRMAN RIZZARDI: Tony, on the same  
16          line? Or is this new material? We've detoured  
17          from Michele's opportunity. I know she had a few  
18          more comments, and we were on hers.

19                   MS. LONGO EDER: If I may, Mr. Chairman,  
20          I'll defer.

21                   CHAIRMAN RIZZARDI: Okay -- Tony?

22                   DR. CHATWIN: So, in that spirit of

1 making sure that we, as advisors, have highlighted  
2 all the things that we think are important for  
3 NOAA to consider as they deliberate what to do  
4 about this document, on page 7, when it talks  
5 about the role of the Seafood Safety Inspection  
6 Service, I have some suggested language to add to  
7 this.

8 I think one of the most important  
9 aspects of the need for a certification framework  
10 has not been discussed, and that's the one of  
11 managing for risk. There is interest from the  
12 consumers not to -- well, they engage in, you  
13 could say that it's a -- let me see here -- when a  
14 consumer makes a choice, a purchase choice, there  
15 are consumers that are interested in making the  
16 right ethical choice for them. So there's an  
17 ethical risk when they make that transaction. And  
18 if you have a certification that is helping you  
19 make that ethical choice, that you're hoping and  
20 you're trusting that certification to show that.

21 There are companies, retail companies,  
22 that have reputational risks to think about when

1 sourcing. The same is true for buyers. Buyers  
2 have a further risk, which is one of supply, and  
3 ensuring that the supply is plentiful so that they  
4 continue their businesses.

5 So there are lots of different aspects  
6 of risk. And it occurred to me that we have been  
7 talking about the Seafood Inspection Service as  
8 the entity to provide the audit function, to  
9 confirm that, in fact, these, the product comes  
10 from a sustainable fishery that is represented by  
11 that number -- right? That's what we're talking  
12 about? A number?

13 And the reason why that service has been  
14 identified as the one to do so is because it  
15 enjoys very high reputational risk -- uh,  
16 reputation, confidence. There's a lot of  
17 confidence in the Seafood Service.

18 And I think, as NOAA develops this  
19 seafood sustainability certification program, and  
20 wants to rely on that organization, that entity,  
21 that agency to attest that, in fact, those fish  
22 come from that sustainable fishery, it is



1       incurring a reputational risk, and it should look  
2       at that.

3               Because if, in fact, that service  
4       certifies that product as coming from a  
5       sustainable fishery, which is then found to either  
6       not be sustainable, for some reason, I think you  
7       have an opportunity to undermine, or erode, the  
8       confidence in that body.

9               And I think that we want to preserve the  
10      confidence that we have in the Seafood Inspection  
11      Service in this country.

12              So, I would like to add language to that  
13      bullet that says, "MAFAC recommends that the  
14      certification scheme preserve the reputation that  
15      the Seafood Safety Inspection Service enjoys. As  
16      NOAA explores the possibility of relying..." --  
17      and I have this language that we can put up -- "As  
18      NOAA explores the possibility of relying on the  
19      Seafood Inspection Service, careful consideration  
20      should be given to the reputational risk that the  
21      Service may incur by certifying as 'sustainable'  
22      fisheries that are overfished or experiencing

1       overfishing, or whose status is not known."

2               I know that we have made modifications  
3       to the document that minimize the chances of that,  
4       but we have left it up to the agency to consider  
5       what to do under those circumstances. And I think  
6       this is an additional consideration that we, as  
7       advisors, should make sure that the agency is  
8       aware of.

9               MR. WALLACE: That's not a friendly  
10       amendment.

11              DR. CHATWIN: I move to include that  
12       language in this document.

13              MR. BROWN: Second.

14              CHAIRMAN RIZZARDI: Tony, the latter  
15       part of that was a discussion of --

16              DR. CHATWIN: I've moved, and it's been  
17       seconded, and I will get the language to Heidi so  
18       that she can --

19              MS. LOVETT: E-mail it.

20              DR. CHATWIN: Yes.

21              CHAIRMAN RIZZARDI: I'm just asking you  
22       to please repeat the last portion of that proposal

1       that involves a discussion of "overfishing" and  
2       "overfished."

3               DR. CHATWIN:   Yes, let's look at the  
4       language.

5               CHAIRMAN RIZZARDI:   Mr. Hansen.

6               MR. HANSEN:   Thank you, Mr. Chairman.  
7       Just to point out that risk is something that the  
8       seafood inspection program thinks about every day.  
9       It's, in fact, built into our sampling plans, our  
10      audit procedures.  For instance, our sampling plan  
11      has a -- we run the risk of being wrong once in  
12      every 20 inspections.  It doesn't mean we are, but  
13      there is that risk.

14              So, there's -- I guess, trying to draw a  
15      distinction between a mistake, and risk of making  
16      a mistake, which we do, and end up making  
17      attestations that are technically not true because  
18      of the risk we take, you know, incur to do the  
19      inspection.

20              Tony mentioned "ethical risk," and  
21      that's kind of another story.  You know, we are  
22      bound by Title 18, U.S. Code, that we will only

1 make truthful and honest statements.

2 And if we don't do so, if we do so  
3 knowingly, we can be punished, and it's an  
4 unlawful act, basically.

5 The attestations that we do make are  
6 conservative in nature, generally. They're vetted  
7 by our general counsel. My attorney-advisor isn't  
8 here right now, but, believe me, we talk a lot  
9 about these things.

10 So, risk is part of the business that we  
11 do. And we incur it every day.

12 CHAIRMAN RIZZARDI: Thank you for that  
13 clarification.

14 COURT REPORTER: Can I ask who made the  
15 second?

16 CHAIRMAN RIZZARDI: Columbus Brown.

17 COURT REPORTER: Thank you.

18 MR. BROWN: I think that what we're  
19 trying to do is satisfy a need that has, or  
20 movement that has resulted from social justice  
21 issues -- you know, the whole idea of eating  
22 local, eating organic, eating things that are

1       sustainable, sustainable agriculture, sustainable  
2       fisheries.

3               These are concepts that --

4               DR. CHATWIN: There should be a comma  
5       after "sustainable."

6               MR. BROWN: These are concepts that  
7       consumers are encouraged to employ as they go to  
8       the marketplace, and many times are saying, hey,  
9       look -- just as with fair trade, it might be, it's  
10      okay to pay a little more money for these things  
11      because of the social values that are supported by  
12      them. And I'm a very strong advocate of social  
13      justice. I've trained people in that arena.

14              And there's a real concern that, you  
15      know, we don't want the government to appear to  
16      undermine or betray the values and expectations,  
17      that of people who are going into the marketplace.  
18      So, when I walk into Whole Foods, I think it's  
19      important for what I think is "sustainable," and  
20      what they're presenting to me as "sustainable" are  
21      the same.

22              And I think there is a lot of stuff in

1 the market that is marked, you know, "organic,"  
2 "sustainable," and people make choices. And this  
3 is all about giving someone an opportunity to make  
4 a choice.

5 There are fish in the marketplace that  
6 are probably, by my definition, would not be  
7 sustainable, but they're legal to catch. And I  
8 can choose to purchase them and consume them.

9 So, you know, people have options. And  
10 I think that if we dumb it down to the point that  
11 "sustainable" just means anything that's, you  
12 know, caught in the EEZ legally, then I don't  
13 think you've done a good service to the ultimate  
14 consumer, the purchaser of the product who's going  
15 to use it.

16 CHAIRMAN RIZZARDI: Thanks for the  
17 explanation, Columbus.

18 So, we have a motion, we have a second.  
19 Dr. Hansen, or Mr. Hansen has explained where he's  
20 coming from on risk issues. And I guess I'm  
21 treating this as an amendment to the document,  
22 because, Dave, you did not accept this as

1 friendly.

2 Okay. Bob?

3 DR. RHEAULT: Well, first of all, I  
4 think that this goes without saying. I mean, I  
5 believe this is true, but I believe that NOAA is  
6 already aware that whatever they do will have  
7 implications on their image in society.

8 I also believe that, right now, buyers  
9 of fish are presented with half a dozen different  
10 certification schemes, of various levels of  
11 credibility. I could point to some extremely  
12 laughable third-party certification programs that  
13 are out there now, selling, or certifying  
14 "sustainable" Pangasius -- take your pick.

15 I can't support those sorts of deceptive  
16 programs, and I can't imagine that NOAA is going  
17 to enter into this decision lightly.

18 I also believe that there's a procedural  
19 question as to whether you can have a motion while  
20 there's a motion on the floor. But I don't want  
21 to get into a Robert's Rules match.

22 But, you know, I don't believe that this

1 is necessary or appropriate.

2 CHAIRMAN RIZZARDI: Julie?

3 MS. BONNEY: I guess I'm confused,  
4 because I think we have two different roles in  
5 government mixed in this clause.

6 So, really, who is determining the  
7 status of the stock? Is it the assessment  
8 process? And, you know, the catch-accounting and  
9 whatnot. So that lies on the science side,  
10 through NMFS. And this is basically blending what  
11 Tim does, which is just to certify that quotas are  
12 being -- the catch is being accounted for, and  
13 what is being caught out of U.S. waters is  
14 actually U.S. fish.

15 So, I don't think his role is to  
16 determine whether a fishery is overfished or if  
17 overfishing is occurring. His role is to track  
18 the fish and the harvest.

19 So I don't see how you can mix the two  
20 roles of government in this clause.

21 DR. CHATWIN: So, there is nothing in  
22 there that says that Tim's shop is going to make



1       that determination. They're going to track,  
2       they're going to certify, not as U.S. fish, as  
3       "sustainable" U.S. fish. It's going to be on  
4       their backs that they have actually, those fish  
5       came from a sustainable fishery, as defined by the  
6       other part of NOAA.

7               What I am concerned about is that if a  
8       stock -- worst case scenario -- a stock collapses  
9       that has been certified by the other side of NOAA  
10      as sustainable, and audited, and verified that  
11      that product was coming from a sustainable  
12      fishery, by their shop, that that might have  
13      implications for their main mission, which is to  
14      keep our seafood safe.

15             And I just -- all I'm saying is that as  
16      NOAA -- I'm seeing what's written -- as NOAA  
17      considers a seafood certification system that  
18      relies on the audit capacity of the Seafood  
19      Inspection Service, that they are to give due  
20      consideration to the reputational risk of that  
21      program -- because this is mission-drift for that  
22      program.

1                   So, they need to -- as an advisor to  
2       NOAA, I think it's important that we emphasize the  
3       need for them to investigate this issue, and make  
4       a decision.

5                   And a lot of our advice -- just to Bob's  
6       point -- a lot of our advice are things that the  
7       agency should be, or is, thinking about  
8       independent of our advice. And I think this is a  
9       way to emphasize what the constituents think is  
10      important. And I think this is important to the  
11      Seafood Inspection Service.

12                  CHAIRMAN RIZZARDI: Dave?

13                  MR. WALLACE: I guess I don't know how  
14      many millions of hours the science centers, the  
15      SSCs, and the councils spend on making sure that  
16      fisheries are not overfished, and if they are  
17      overfished, what corrective measure is going to be  
18      taken. And they, under the law, cannot allow  
19      overfishing to take place.

20                  And so, the Inspection Service would  
21      literally read the scientific advice that then is  
22      translated into a regulation from the councils to

1 the administration. The administration does the  
2 sustainable fisheries portion of -- the National  
3 Marine Fisheries Service is not permitted to  
4 implement something that is in direct conflict  
5 with the law.

6 Their job is to enforce the law. And  
7 so, this is contradictory to the process that is  
8 specified in the Magnuson-Stevens Act. We would  
9 ask the Inspection Service to essentially do their  
10 own audit of whether it's considered overfished or  
11 overfishing. And that's not their purpose.  
12 There's a whole process in place that is very  
13 complicated, very expensive. And this is not  
14 necessary, and just muddies the water.

15 Thank you.

16 CHAIRMAN RIZZARDI: Julie?

17 MS. MORRIS: So, Tony, I could support  
18 this if we ended it after the word "incur."  
19 Because I had the same -- I feel the same kind of  
20 overlapping of different things that both Julie  
21 and Dave are talking about. And I think it might  
22 even be considered a friendly amendment if we

1 ended it at "incur."

2 So, is that acceptable to you? Or is  
3 the overfishing/overfished part essential to what  
4 you're trying to accomplish here.

5 DR. CHATWIN: I just had a question  
6 there. So, where is the reputational risk  
7 incurring from?

8 MS. MORRIS: It seems -- my reading of  
9 the document is that the focus of the Seafood  
10 Safety Inspection Service is certifying that a  
11 domestic harvester is actually harvesting in an  
12 MSA-managed fishery, and that they're complying  
13 with the traceability requirements.

14 DR. CHATWIN: The whole discussion here  
15 is that that produce is sustainable, not -- I  
16 mean, I keep hearing this around the table, that,  
17 oh, no, it's just because it's a U.S. fishery, or  
18 the product's coming from a managed fishery.

19 That's not what we're talking about.  
20 We're talking about a product that is going to be  
21 labeled as "sustainable."

22 And, so, that is where the reputational

1 risk comes from. It does not come from the  
2 Inspection Service identifying a U.S. product as  
3 "U.S. product."

4 CHAIRMAN RIZZARDI: Dave?

5 MR. WALLACE: Well, you know, I do not  
6 have a Ph.D. in fisheries population dynamics, but  
7 there a lot of people in this agency that do.  
8 They spend enormous amounts of money doing  
9 research, and collecting data, to then define the  
10 population. They then have an assessment of that  
11 population. They send it on to the SSC of the  
12 particular council that manages that fishery.

13 They significantly reduce the total  
14 biological catch, most of the time, by at least 25  
15 percent, and then send it to the council, who  
16 cannot raise that number, but they can say, "We  
17 have some management issues, and we're going to be  
18 precautionary," and they can further reduce the  
19 number.

20 And this is all driven by pure science.  
21 It is not -- there is no way that the fishery is  
22 managed by an idea that, well, we would like to

1       have more fish because we would like to catch more  
2       fish. It's a science-driven system that cannot be  
3       violated. And if the council tries to violate it,  
4       then when the plan gets here, and a recommendation  
5       from the council, it's rejected, and a new number  
6       is put in place that complies with the law.

7               And so that's the system that does it.  
8       Then the Inspection Service just picks up this  
9       document that's generated, actually, here, just  
10      down the street. And that drives the whole  
11      system.

12             And we don't need to reinvent the wheel  
13      here.

14             CHAIRMAN RIZZARDI: So, I'm cognizant of  
15      the time, and I'm chairing the debate.

16             Yes, Tony.

17             DR. CHATWIN: So, the comments just made  
18      have nothing to do with my statement.

19             And here's the thing: If the seconder  
20      agrees, I will accept the amendment that Julie  
21      Morris put forward. Because, to me, the issue  
22      here is preserving the reputation of a valued

1 service, the Seafood Inspection Service. It has  
2 nothing to do with the science behind the  
3 fisheries management at all.

4 CHAIRMAN RIZZARDI: Dave, with that  
5 clarification, and with a period put after  
6 "incur," would you accept the amendment as  
7 friendly?

8 MR. WALLACE: Reluctantly, yes.

9 DR. CHATWIN: So, we have a seconder,  
10 and he has to agree -- right? It was made as a  
11 motion.

12 CHAIRMAN RIZZARDI: Columbus? A period  
13 after "incur," and this may be included as a  
14 friendly amendment to the document.

15 MR. BROWN: Okay.

16 CHAIRMAN RIZZARDI: Bob?

17 DR. RHEAULT: Fine.

18 CHAIRMAN RIZZARDI: Okay. Michele?

19 MS. LONGO EDER: I guess I'm back now to  
20 adding some comments to the report from my  
21 statement that was circulated with concerns. And  
22 I understand that people who revised this document

1        tried to address those concerns by saying, "But  
2        what about...", and acknowledging we didn't  
3        receive unanimous consensus.

4                But I'd to add, propose to add, some of  
5        the language to the "Question" portion of this,  
6        "But what about..." Because although some of the  
7        concerns are identified, they're still followed up  
8        with argument against what the concerns are that  
9        have been expressed. And that's problematic for  
10       me, in terms of sensing that our concerns,  
11       legitimately raised, are identified in this  
12       document.

13               One of the ones -- you know, so, "But  
14       what about...?" And question mark. And I would  
15       add another bullet that says, "NOAA budget  
16       constraints." And the language I circulated was  
17       that "Committee members heard reports from NOAA  
18       management regarding declining budgets in real  
19       dollars since 2007, the effects of past  
20       sequestration actions, as well as concerns for  
21       future reductions in the agency's budget.  
22       Regardless of the budget outcome, the message is



1       that NOAA is being asked to do more work with less  
2       funding. It's asserted by some committee members  
3       that NOAA lacks the financial resources and  
4       personnel to assume a new function that of  
5       certifying potentially thousands of small and  
6       large business involved in harvesting, processing,  
7       wholesaling, and distribution of seafood."

8               So, I would ask that that paragraph, as  
9       a question point in the document, recognizing  
10      concerns that have been raised, be added under  
11      "But what about...?"

12             Do you want to take these one at a time?

13             CHAIRMAN RIZZARDI: I'll just point out,  
14      Michele, I did at least acknowledge the issue in  
15      the "cost and benefits" portion, including the  
16      statement that the proposed initiative must ensure  
17      that it does not detract from other core agency  
18      functions. I did not cut and paste the entirety  
19      of your statement. I understand that. I fully  
20      expect that your entire statement would be  
21      included in the minority report.

22             So the question is, I guess, whether or

1 not, Dave, you want to accept the insertion of the  
2 remainder of that language as friendly, into this  
3 document?

4 MR. WALLACE: Well, I'm not sure how  
5 helpful it would be in expressing this notion that  
6 -- let us say we are -- this goes into effect  
7 because it's simple, you know, and because people  
8 have been talking about simplicity. And I'm all  
9 for simplicity.

10 And so we have a system that goes into  
11 effect that says that we -- the Inspection Service  
12 will certify a dealer or distributor that deals in  
13 fish, that are not overfished, and overfishing is  
14 not occurring, as a sustainable fishery and  
15 sustainable dealer -- the dealer is handling  
16 sustainable fish.

17 Let us say we get a million customers  
18 that want to do that. The Service, the Inspection  
19 Service is a fee-for- service. They get paid by  
20 the folks who ask for their service. If there is  
21 a million of them, and the number is \$120 an hour,  
22 or \$125 an hour, and we need more folks, they'll

1 hire more folks using the money. It will not come  
2 out of NOAA's line-item budget. And so they would  
3 have, they would be able to add whatever was  
4 necessary to carry on their duties.

5 So, I don't see the purpose of the  
6 amendment.

7 CHAIRMAN RIZZARDI: Okay, I'll take that  
8 as "not friendly."

9 And I'll remind everybody it's 11:35.  
10 We need to wrap this one up by noon.

11 MS. LONGO EDER: Mr. Chairman?

12 CHAIRMAN RIZZARDI: Yes, ma'am?

13 MS. LONGO EDER: Just to address Dave's  
14 comments -- the purpose, whether you agree with it  
15 or not, is to recognize that significant concerns  
16 have been expressed, that they not be minimalized,  
17 that perhaps we can move forward as a group on  
18 some of these issues.

19 And if that's not the will of the  
20 committee, so be it. You know, really, I don't  
21 want to hold up the committee any further  
22 regarding some of these issues.

1           But I think, for future, looking out  
2    long term for this committee and its work, that  
3    recognizing in the entire document that there are  
4    views that differ from the minority [sic], and  
5    recognizing them as valid, with language that  
6    stresses their importance, has value to this  
7    committee as a whole. We work long term. We work  
8    collaboratively. We try to. We differ strongly.

9           But I think there's value in -- and I  
10   would like to, actually, to save time, but by  
11   reference, you know, incorporate in the "But what  
12   about...?" the questions that I circulated, the  
13   bullet issues that I circulated to committee  
14   members, so that there is a recognition of the  
15   whole committee's thoughts on these issues.

16           CHAIRMAN RIZZARDI: Tony, you had a hand  
17   up?

18           DR. CHATWIN: Yes, Mr. Chairman, as an  
19   advocate for the document, as you have described  
20   yourself, I think that, first, it would be good to  
21   stop assuming that there would be a minority  
22   report and a consensus report. And it wouldn't be

1 the case; it would be a "majority" and a  
2 "minority."

3 Second, I think there's just been an  
4 offer of a solution, to have a consensus report.  
5 I think we should embrace that. The suggestion  
6 made is to incorporate it in the part of the  
7 document that is not impacting the recommendations  
8 part. And I commend Michele for making that  
9 offer. And I'm supportive of it.

10 CHAIRMAN RIZZARDI: Dave? The  
11 suggestion is that in the "But what about...?"  
12 Section, instead of having a minority report,  
13 Michele's comments could be inserted.

14 MR. WALLACE: Well, and I think that I  
15 spoke to that before.

16 But I'm really trying to build a  
17 consensus here --

18 CHAIRMAN RIZZARDI: I'm just --

19 MR. WALLACE: So, I'll accept it --  
20 reluctantly.

21 DR. RHEAULT: I'd just like to ask  
22 Michele, I mean, we have stipulated in that

1 sentence that this program not detract from other  
2 core agency functions. I tried to -- I think  
3 that's critical, and I think everyone in this room  
4 agrees with that stipulation, that that is the  
5 heart of what you're suggesting, in a more  
6 succinct fashion.

7 If that is inadequate, I'm at a loss to  
8 understand why.

9 CHAIRMAN RIZZARDI: Columbus?

10 MR. BROWN: I have a recommendation that  
11 I think would help deal with some of Michele's  
12 concerns, and some of my concerns. Because I  
13 think, in today's world, I think it's important  
14 for us to be transparent, fiscally responsible,  
15 and show accountability to the public, as well as  
16 to stakeholders.

17 And I think it would be -- this is a  
18 user-pay, user-benefit program. And I think it  
19 would be good to just create a little simple chart  
20 that shows the various users -- you know, the  
21 fisherman, the fish house, distributor, the  
22 seller, end-point seller -- and indicate who's

1       paying where.

2               Because there's one component that's  
3       being paid through the inspections program.  
4       There's another option for people to pay, as  
5       sellers, so their name can be advertised to Fish  
6       Watch, through Fish Watch.

7               So I think we need to clearly articulate  
8       where we expect these revenues to come from to pay  
9       for this.

10              And I think the reference to going to  
11       the Trace Register, I think we can, you know, do  
12       something very simple that just sort of lays out a  
13       very simple matrix that shows where we anticipate  
14       these costs to come from, in support of this  
15       program.

16              CHAIRMAN RIZZARDI:   Paul?

17              MR. CLAMPITT:   Thank you, Mr. Chairman.  
18       I feel sympathy for my brother fishermen on the  
19       East Coast, but I have trouble with this, mainly  
20       because, you know, you've got to be careful what  
21       you wish for.   Everything we've asked for in the  
22       North Pacific Council, North Pacific Fisheries

1 Management Council -- specifically, observer  
2 programs -- have grown wildly, become extremely  
3 cost-prohibitive, and aren't what we asked for to  
4 begin with. And I think that's probably what will  
5 happen here.

6 And I think that's probably the major  
7 objections from the people in the Pacific  
8 Northwest to this program, and why they wrote that  
9 letter. I think, underlying it, really, they have  
10 a program that's working, and they're worried that  
11 this government program will grow out of control,  
12 and undermine the independent one.

13 And that's all I have to say about it.  
14 Thank you.

15 MR. WALLACE: Mr. Chairman, I call the  
16 question.

17 CHAIRMAN RIZZARDI: I need some help,  
18 just some clarification.

19 I'd like to know how I'm supposed to  
20 preface the insertion of the document from  
21 Michele, and imbed it into this document. Your  
22 point was it was reluctantly accepted as friendly.



1 I appreciate that. I'm happy to insert it. I  
2 want it to reflect the committee's work product.

3 I'm just looking for what additional  
4 language would we be inserting in front of  
5 Michele's series of statements.

6 MS. LONGO EDER: Mr. Chairman?

7 CHAIRMAN RIZZARDI: Yes, ma'am.

8 MS. LONGO EDER: I would suggest that in  
9 the section I identified, "But what about...?"  
10 with a question mark. And that the bullet points  
11 be added where the paragraphs already exist that  
12 have similar subject titles, as paragraphs in and  
13 of themselves -- even if the language feels  
14 duplicative at this point in time.

15 So, under "Costs and Benefits," as a  
16 second paragraph, add the costs language that I've  
17 suggested.

18 Under "Global Perspectives," add the  
19 language "Need for third-party verification."

20 Under the "Need for Sufficient  
21 Participation," add a new paragraph, and you  
22 preface it with, "Questions were raised whether

1       there is a national mandate from industry."

2               Under the --

3               CHAIRMAN RIZZARDI:  Michele --

4               MS. LONGO EDER:  If you want a  
5       suggestion, I'm -- okay.

6               CHAIRMAN RIZZARDI:  I just couldn't keep  
7       up, and I fell behind.

8               MS. LONGO EDER:  Okay.  Shall I review  
9       it?

10              CHAIRMAN RIZZARDI:  So, I was going to  
11       ask, could I just do this in a lumping manner,  
12       instead of splitting, and just say, "The following  
13       additional comments were received by MAFAC and  
14       should be consideration by NOAA?"

15              MS. LONGO EDER:  Absolutely.  You asked  
16       for a way to incorporate it, and I thought I'd do  
17       it by subject matter.

18              CHAIRMAN RIZZARDI:  No, I understand.  
19       And then, as I was doing it, it was getting more  
20       and more complicated, so I'm trying to find an  
21       easy way.

22              MS. LONGO EDER:  Say it again?  That --

1                   CHAIRMAN RIZZARDI: "The following  
2 additional comments were received by MAFAC and  
3 should be given careful consideration by NOAA."

4                   MS. LONGO EDER: No -- "The following  
5 comments were endorsed by members of the MAFAC  
6 committee."

7                   MR. WALLACE: "Some."

8                   MS. LONGO EDER: "Some."

9                   CHAIRMAN RIZZARDI: "...were endorsed by  
10 some members of the MAFAC committee, and should be  
11 considered by NOAA."

12                  MS. LONGO EDER: Thank you.

13                  CHAIRMAN RIZZARDI: Yes, ma'am. That's  
14 still friendly?

15                  MR. WALLACE: (Nodding)

16                  CHAIRMAN RIZZARDI: Bob?

17                  DR. RHEAULT: (Nodding)

18                  CHAIRMAN RIZZARDI: It's 11:45. Dave  
19 called the question. Thank you for the  
20 clarification.

21                  Columbus, do you have --

22                  MR. BROWN: Dave, would it be friendly

1 to include a chart under -- on page 7, under  
2 "Economic Start-up Costs, Recurring Costs, and  
3 Fee-for Service?"

4 CHAIRMAN RIZZARDI: I think the  
5 question's been called.

6 Point of order? Yes?

7 DR. CHATWIN: Could you just repeat --  
8 to me, one of the most important parts of the  
9 document, although the document as a whole is very  
10 important -- the criteria, and how that is now  
11 stated, on page 5? So I know what I'm voting on?

12 CHAIRMAN RIZZARDI: So, 1(a) became the  
13 "...the fishery stock status is known, and the  
14 fishery is not overfishing, and no overfishing  
15 occurs."

16 Then 1(b) would be, "For fishing stocks  
17 were overfishing is occurring, or the fishery is  
18 overfished, or rebuilding plans are in place, NOAA  
19 will need to develop additional criteria, after  
20 receiving feedback from other stakeholders."

21 MS. LONGO EDER: Mr. Chairman, I realize  
22 you, in response to Columbus' suggestion that you

1       said, point of order, that the question had been  
2       called. But, again, in the spirit of reaching a  
3       consensus document, I would also agree that  
4       Columbus' suggestion that a chart be added to the  
5       section that I just suggested, that identifies and  
6       illustrates where costs to the applicant will be  
7       addressed -- will be assessed, potentially, at  
8       each step of the process, whether it be by a  
9       traceability program, or application fees, or  
10      registration fees.

11               So, I would ask that that be added.

12               CHAIRMAN RIZZARDI: The challenge we  
13      have is this document doesn't exist. And I'd  
14      encourage us to allow the committee to go back and  
15      develop such a document. I'm not resisting the  
16      idea. It's just we don't have something that we  
17      all have in front of us, whereas we have the rest  
18      of the document here.

19               So, I think we're still dealing with the  
20      question has been called, and I think I want a  
21      vote on the document as is -- with all the  
22      amendments that have been discussed, all the

1 friendly amendments that have been made.

2 All those in favor?

3 (Chorus of ayes.)

4 MS. MORRIS: For calling the question?

5 CHAIRMAN RIZZARDI: On the question.

6 MS. MORRIS: We're voting on whether to  
7 call the question?

8 CHAIRMAN RIZZARDI: Yes.

9 MS. MORRIS: We're voting on whether to  
10 call the question?

11 CHAIRMAN RIZZARDI: That's the  
12 procedural point, yes.

13 MS. MORRIS: Okay. All right. I'm just  
14 asking, folks.

15 CHAIRMAN RIZZARDI: All those in favor  
16 of calling the question.

17 (Chorus of ayes.)

18 CHAIRMAN RIZZARDI: Any opposed to  
19 calling the question.

20 MS. LONGO EDER: Opposed.

21 MR. BROWN: Opposed.

22 CHAIRMAN RIZZARDI: Okay, so the

1 question has been called.

2 On the document, as amended, all those  
3 in favor.

4 (Show of hands.)

5 CHAIRMAN RIZZARDI: Okay, thank you,  
6 members.

7 MS. LONGO EDER: Could you announce the  
8 vote, please?

9 CHAIRMAN RIZZARDI: Yes -- seven to  
10 four. The Chair would make it eight.

11 Thank you, everybody. I realize that  
12 was a difficult process. I think it's important  
13 that we vetted the issues. I think it's been  
14 illuminating. I appreciate the dissent and its  
15 perspectives.

16 I think we've ended up with a much  
17 better document in the end.

18 So, this afternoon we're supposed to do  
19 our subcommittee reports and the remainder of our  
20 work plan. The two items that are listed can be  
21 merged together to some extent.

22 The work plan for 2014, what I'm

1        expecting is that each subcommittee will be able  
2        to come out and simply report back to MAFAC with  
3        what you intend to be working on for 2014.

4                I'm not expecting us to engage in a  
5        substantive discussion of those particular items.  
6        This is simply a presentation to the committee of  
7        "Here's what we would like to tackle over the  
8        course of the next few months."

9                I'm anticipating that that can be done  
10       in minutes or less per committee, so that we can  
11       move through that discussion. The other thing  
12       we'll need to do is have some dialogue about how  
13       will we meet electronically? And people need to  
14       understand the challenges that we're dealing with  
15       on the budgetary, what it will take to be doing  
16       some webinar kind of meetings, and those things.  
17       And staff has a presentation for us on that point.

18               Columbus?

19               MR. BROWN: Mr. Chairman, I move that  
20       the committee be asked to develop a summary, or a  
21       -- that expresses where all the costs are to come  
22       from in support of this program, to be provided to



1 MAFAC members in the next month.

2 CHAIRMAN RIZZARDI: Bob, can I refer  
3 that back to the committee to work on?

4 DR. RHEAULT: I would just note that the  
5 recommendation that we just sent to NOAA asks them  
6 to do a more thorough cost analysis, ensuring that  
7 it doesn't interfere with core functions.

8 I believe that we attempted to do a  
9 preliminary, rudimentary cost analysis, and had a  
10 lot of staff time devoted to that, and I believe  
11 that it's beyond the scope of the committee's  
12 expertise to attempt to try and do what is being  
13 requested.

14 So, I would ask that you not do this and  
15 formally request that.

16 MR. BROWN: My concern was not to build  
17 the budget, but to develop something that shows  
18 it's just a user-pay, user-benefit program, and  
19 who's paying.

20 CHAIRMAN RIZZARDI: Mark?

21 DR. HOLLIDAY: So, for the benefit of  
22 the members, you know, NOAA staff will take the

1 report content and identify those elements that we  
2 understand to be user-pay versus appropriated  
3 funds, and prepare a table for the members within  
4 the next month.

5 MR. BROWN: I'm excited.

6 CHAIRMAN RIZZARDI: Any other points  
7 before we break for lunch?

8 Thank you, everybody, for a good  
9 discussion today. See you all at one o'clock.

10 (Recess)

11 Subcommittee Reports

12 2014 Calendar and Activities

13 CHAIRMAN RIZZARDI: Ready to go back on  
14 the record? All right, thanks for coming back  
15 from lunch, everybody. We're going to do our  
16 subcommittee reports now, and try to work through  
17 the work plan for the upcoming six to nine months.  
18 And I'll just do it in order from the agenda here.

19 I have to point out, I have to leave and  
20 catch a cab at three o'clock. So, at that point,  
21 I'm going to, if we're still going, turn the gavel  
22 over to Dave. But I'm hoping that we'll be done

1 by three o'clock.

2 So -- Ecosystems, you're up first.

3 MR. WALLACE: Well, my machine crashed,  
4 and lost everything.

5 CHAIRMAN RIZZARDI: All right. So, I  
6 see Strategic Planning, Budget and Policy is on  
7 the screen, so how about we do that, instead.

8 Dave, why don't see if you can get your  
9 document back up.

10 MR. WALLACE: My machine crashed, and  
11 when it came back up, the document didn't come up.  
12 And so -- but that's okay. It would have been a  
13 short one, anyhow. It's still going to be short.

14 To make a very long story short, we  
15 started off with rebuilding of fish stocks as an  
16 issue for the reauthorization of the Magnuson Act.  
17 We then --

18 MS. LOVETT: Will you give us a time  
19 frame?

20 MR. WALLACE: Time frames -- right.  
21 Time frames -- I'm glad somebody keeps me  
22 straight.

1           Then we got into -- and I'll go back  
2       here -- we looked at adaptive management. Then we  
3       got into EFH wetlands and forage fish. Along with  
4       that, then we got into the Clean Water Act, and  
5       looking at its impacts on wetlands and  
6       interjurisdictional issues, since all the  
7       wetlands, or most of the wetlands are in state  
8       waters.

9           And the idea that, where it's a national  
10      policy not to lose any wetlands, to gain wetlands,  
11      and between -- recently, when the assessment was  
12      made where we've lost 80,000 acres, and the last  
13      time, five years ago, we had only lost -- we were  
14      losing 60,000 acres a year, and then we're losing  
15      80,000, and it's supposed to be going the other  
16      way.

17           We decided that that was something that  
18      we should actually address.

19           And so, what we ultimately did is we  
20      came up with two different work plans.

21           The first one is rebuilding timeline.  
22      The thing that we suggest is that we put together

1 a document, using some of the staff from, the  
2 experts from the agency, and through conference  
3 calls come up with a document for the Assistant  
4 Administrator, to be used in the administrative  
5 reauthorization, or their liaison people on the  
6 Senate and the House side, if asked, could also  
7 propose these changes to the committee staff,  
8 given the opportunity, and I envision us having a  
9 couple of conference calls on this in the next two  
10 or three months, and have a document, you know, no  
11 later than March or April. And that will be  
12 complete, and we'll just focus on that.

13 And then, next, we're going to go into a  
14 white paper, which is actually going to be very  
15 complex. We have this habitat/wetlands idea of a  
16 white paper, to cover the interrelationship  
17 between federal government and states, how to  
18 manage and protect wetlands, including dams,  
19 streams, you know, and other important habitat --  
20 and then how it impacts on forage fish.

21 So we took three different units and  
22 consolidated them, because they all inter-react

1 with each other. And, you know, your forage fish  
2 -- your herring, and what have you -- which spawn  
3 in fresh water, without the right habitat, they  
4 can't do it. That doesn't work well. And so we  
5 thought we would tie the interjurisdictional  
6 between the federal and state governments, and  
7 then protecting the wetlands, and how it impacts  
8 the forage fish, versus trying to take on climate  
9 change as a general -- you know, as a general  
10 concept. And so we narrowed it to just that.

11 CHAIRMAN RIZZARDI: What are your  
12 anticipated outputs and time frames?

13 MR. WALLACE: Well, it's going to  
14 require an enormous amount of technical support.  
15 The administration has some of that. We will need  
16 the cooperation of at least the commission  
17 directors, because they, in the broadest sense,  
18 represent the states.

19 And what we suggest is that any states  
20 that are really interested, we also bring them  
21 into the discussion. Because while the federal  
22 government, in theory, through the Clean Water Act

1 and some other portions of the legislation, have  
2 authority, you also have to have participation  
3 from the states. You just can't mandate it.

4 And so, it's a major project. It's  
5 going to take a lot of time to collect the  
6 information, and then to try to write a document  
7 that ties it all together in some reasonable and  
8 logical -- but I see that, if, you know, the  
9 target date would be October of 2014.

10 CHAIRMAN RIZZARDI: Well, sounds  
11 ambitious.

12 MR. WALLACE: It is very ambitious.

13 CHAIRMAN RIZZARDI: I realize that you  
14 have, probably, one meeting left -- right?

15 MR. WALLACE: Well -- and two this year.

16 CHAIRMAN RIZZARDI: Assuming 2014 is --

17 MR. WALLACE: Yes, October 2014.

18 CHAIRMAN RIZZARDI: So, if we were lucky  
19 enough to have two meetings --

20 MR. WALLACE: Right.

21 CHAIRMAN RIZZARDI: -- next year is the  
22 question.

1                   MR. WALLACE: Yes, but we envision doing  
2 most of this by electronics.

3                   CHAIRMAN RIZZARDI: Recognizing that  
4 you're being ambitious --

5                   MR. WALLACE: Very.

6                   CHAIRMAN RIZZARDI: -- and will need a  
7 lot of interaction, I'd encourage you to make sure  
8 that there is an heir-apparent to assume  
9 responsibility for the project if it runs beyond  
10 October of 2014.

11                  MR. WALLACE: Sure.

12                  CHAIRMAN RIZZARDI: Is there any other  
13 deliverable, outside of that one?

14                  MR. WALLACE: No, those are the -- we're  
15 only -- you said reduce it to two. We did, you  
16 know -- one easy one, one hard one.

17                  CHAIRMAN RIZZARDI: Julie.

18                  MS. BONNEY: So, just to follow up,  
19 since I wasn't part of that. So, the goal under  
20 the rebuilding timelines is to have something that  
21 would be applicable to -- what? -- the National  
22 Standard 1 guidelines? I mean, is that going to



1 be addressed, if we're going to have a proposed  
2 rule on that anyway? So, versus launching into  
3 this effort, and it's already kind of happening  
4 through the administration?

5 MR. WALLACE: Yes, and Michele can add  
6 some of that, because she was the one that  
7 suggested it initially.

8 MS. LONGO EDER: I think what the  
9 committee envisioned were potential changes to  
10 MSA. And so we prioritized the issue of the  
11 language in the statute regarding time frames for  
12 rebuilding requirements for overfished stocks.

13 So, we're looking -- we don't have  
14 specific draft language at this point to recommend  
15 to the agency, as to how Magnuson should be  
16 amended, but that's the goal, that's the priority  
17 out of the committee. And that's our goal, is to  
18 recommend language to the agency as to how  
19 Magnuson should be amended to reflect concerns  
20 about the time frame for rebuilding requirements  
21 of the stocks.

22 MS. BONNEY: So it's really about

1 flexibility, and also changing the authorities  
2 under Magnuson.

3 MS. LONGO EDER: I think it's -- well,  
4 it is about flexibility. I'm not sure I  
5 understand "changing authorities." Because I  
6 think that the rebuilding timelines are hardwired  
7 in the Magnuson Act, so you'd have to create  
8 flexibility through the Magnuson, to get away from  
9 the hardwire.

10 MS. BONNEY: That's our intent. I just  
11 didn't understand what you meant when you said  
12 "creating authorities." I thought you were  
13 talking about some other body to do that work.  
14 But I understand. Thank you.

15 MR. WALLACE: Keith just stepped out, so  
16 I'll try to run the meeting as clumsily as I can.

17 So -- any other questions? Any others?

18 (No response.)

19 MR. WALLACE: If there are no other  
20 comments, we'll go to Strategic Planning/Budget.

21 Tony?

22 DR. CHATWIN: Thank you, Mr. Chairman.

1        So, we had a couple of good sessions to discuss  
2        the work plan for the upcoming year under the  
3        Strategic Planning, Budget, and Policy  
4        Subcommittee.

5                We sort of came off the presentation  
6        from Paul Doremus and from Mark Schaefer, about  
7        NOAA's priorities, and a document that described  
8        the key findings of the Managing Our Nation's  
9        Fisheries meeting, and how they could -- a  
10       proposal by Heidi on -- which grouped under our,  
11       potentially, under our subcommittee interest.

12               And so we went through that list,  
13       bullet-by- bullet, and honed in on a couple of  
14       them, two or three of them, and then asked the  
15       question of what other issues we were interested  
16       in covering that might not have been on that list  
17       -- and then had a lot of discussion about those.

18               And over the two days, we have honed in  
19       on what we believe are important issues, that are  
20       grouped under two headings. One relates to the  
21       Magnuson- Stevens authorization, and the other are  
22       issues that relate to budget, and implications of

1 the budget fluctuations that the agency has been  
2 experiencing.

3 So, I've written this up so that  
4 everybody could see. And I invite subcommittee  
5 members, and others, to comment, add, take away,  
6 if I'm misrepresenting.

7 But we thought that, in terms of timing,  
8 we thought that the issues that relate to  
9 Magnuson-Stevens should take precedence of the  
10 budgeting discussions, because of the uncertainty  
11 about when that's going to happen. And so we  
12 wanted to get our collective input together and  
13 ready to go as soon as possible.

14 So, an issue that came up was,  
15 basically, grouped under National Standard 4, an  
16 issue of fairness. It became clear, both by the  
17 presentation of the Recreational Subcommittee  
18 report, where discussion was made about  
19 recreational fishing groups, and the issue of  
20 subsistence, and the diversity of views that there  
21 are on what constitutes subsistence. And that it  
22 kind of suggested that we should be looking at the

1 issue of defining user groups. Because that's one  
2 that has policy implications -- you know looking  
3 at what those user groups, how to define those  
4 user groups, and whether those groups should be  
5 treated differently by management, in terms of  
6 management implications.

7           So we've included, in that, aquaculture  
8 and commercial groups, because I think it's an  
9 issue that cuts across all of the user groups  
10 subject to Magnuson. And we are proposing that we  
11 spend part of the time that we have exploring that  
12 issue further.

13           And along the same lines is the issue of  
14 examining cost recovery. It's similar to the  
15 previous issue, in that some parts of the fishing  
16 industry are participating in cost-recovery  
17 efforts. Others are not. And we thought it would  
18 be good to bring that to the fore, and examine  
19 which groups are being -- which fisheries are  
20 engaging in cost recovery, what are the  
21 characteristics, what seems to be working, what  
22 seems not to be working, and which ones are not --

1       and see if there are any recommendations that can  
2       emerge from that from this group.

3               Then, continuing on -- those are under  
4       the sort of guise of fairness under National  
5       Standard 4.

6               Under National Standard 1, one of the  
7       issues that was raised in Managing Our Nation's  
8       Fishers, and is of interest to a number of members  
9       on the committee, is this definition of  
10      "overfished," and examining how it's defined, and  
11      whether there should be an alternative definition  
12      for stocks that have depleted for reasons other  
13      than excessive fishing. So, we thought that would  
14      be a good topic to also spend some more time, and  
15      dive deeper.

16              And those would be the two main areas  
17      under Magnuson. They are meaty subjects, and it  
18      would be interesting for us to have a debate about  
19      them.

20              Furthermore -- and just to finish, and  
21      then I'll open it for questions, if that's okay --  
22      the budget, and implications or impacts of budget

1 changes to MAFAC priorities -- you know, several  
2 of us expressed appreciation for NOAA's having  
3 produced a priorities document, and are interested  
4 in seeing how those priorities fare under  
5 different budget realities as they become real --  
6 you know?

7 And so the idea of asking for a tracking  
8 mechanism or a tool that would allow us to better  
9 follow how those fare is good. I think we could  
10 apply that same tool to our priorities under  
11 20/20, and see how they fare under different  
12 (inaudible) budgets.

13 In addition, but in the same spirit, we  
14 raised the issue of partnerships, and how, often,  
15 the relationship -- and NOAA engages in  
16 partnerships to help with very core functions to  
17 achieve its mission. And some of these are the  
18 surveys, for which industry vessels are used.  
19 There's our cooperative research. And, often, the  
20 contracting for the -- the contracting arrangement  
21 is on a yearly basis, pending approps.

22 And that setup is very susceptible to

1 the changes, the yearly changes in the agency  
2 budget. And, so I think we would like to explore  
3 this further, and see whether there's a  
4 possibility to change that, or recommend a change,  
5 in that some multi-year projects would be funded  
6 from one particular fiscal year money, so that  
7 that project would have a better planning horizon,  
8 especially when it has to -- so that vessel owners  
9 that engage in this would have a more stable  
10 planning horizon, and that, if done appropriately,  
11 you could get that sort of function, and those  
12 partnerships, off the year-to-year cycle. So it's  
13 something that we thought we should explore  
14 further.

15 And I mentioned the tracking too,  
16 already. So I think that is all -- which is a  
17 lot. The way we are going to approach this is  
18 we're expecting to do this mostly remotely,  
19 through a couple of conference calls, and working  
20 online with draft documents and informational  
21 documents, and getting ready to have an in-person  
22 discussion within the subcommittee, and with the



1 full committee, at the next MAFAC meeting -- which  
2 I understand, hopefully, is going to happen in the  
3 summer.

4 So, I'd like to invite comments and  
5 questions. Heidi?

6 MS. LOVETT: So, we didn't have all the  
7 presentations in advance, but a crosscut of MAFAC  
8 priority subject areas, the budget crosscut that  
9 you all requested a couple years ago, budget staff  
10 do update that every year.

11 And I think if you look at that, you  
12 have your particular issue areas that it's  
13 probably easy to track along, because of how it's  
14 organized, along the same as the priority  
15 document.

16 So, I'm not sure it would be -- I'd  
17 invite you to compare the two, and see if that  
18 meets what you do. Because it's artificial, so to  
19 speak, in the sense that it's by MAFAC's  
20 interested issue areas, it's not how we normally  
21 organize our budget. So they go and check  
22 different lines, and match them up to present the

1 information that MAFAC had requested at that point  
2 in time.

3 And if there's -- you know, if you're  
4 interested in more in tracking the priorities  
5 document, and it's different, then I might suggest  
6 that a request comes that staff don't have to do  
7 the crosscut. Because, as I said, it's just done  
8 specifically for MAFAC. It doesn't have any other  
9 purpose.

10 DR. CHATWIN: So, just my comment on  
11 that is that those are excellent points, and I  
12 think that's the discussion we'll have within the  
13 subcommittee. And, there may be no action  
14 necessary because we already have it, but we want  
15 to have that discussion. And we didn't go into  
16 any depth of discussion at this meeting.

17 So, any other comments or questions?  
18 Subcommittee members? Non-subcommittee members?

19 Julie?

20 MS. MORRIS: I know the idea about  
21 renaming "overfished" species, "depleted," is  
22 coming through the recreational channels, as well.

1 And it seems like it's a good issue. I mean, we  
2 had a crash of a re-fish stock due to a harmful  
3 algal bloom. And it was really unfair to  
4 characterize that as an "overfished," because  
5 fishing didn't really have any effect on its  
6 status. It was an environmental catastrophe that  
7 caused it to crash. So I think that's worth  
8 working on. And it sounds like there are threads  
9 from other directions moving in that direction, as  
10 well.

11 DR. CHATWIN: Thank you. Bob?

12 DR. RHEAULT: Just a quick note --  
13 defining "aquaculture" may be challenging.  
14 There's lots of gray areas between fishing and  
15 aquaculture, such as enhanced fisheries, and  
16 things like that.

17 In the shellfish industry -- which is  
18 not a Magnuson-Stevens-regulated species -- but  
19 there are fisheries or aquacultures that defy  
20 categorization. So, just a word of caution there.

21 DR. CHATWIN: So, that's an excellent  
22 point. And it would be great if you could

1       participate in the discussion to help us navigate  
2       that one.

3               DR. RHEAULT:   And in that vein, I wanted  
4       to ask Heidi how do we remember which committees  
5       we've signed up for.   Because when we're not all  
6       in the same, in the MAFAC meetings, there is an  
7       opportunity for us to participate in more  
8       discussions.   And I would like to be able to.

9               So, I just wanted to be made aware of  
10       how I signed up, and which ones I did.

11              MS. LOVETT:   So, I made a note to myself  
12       because, obviously, ideas and interests shift.  
13       What I think I'm going to do is create a Doodle  
14       poll, and have you guys self- identify which  
15       committees you want to participate on.   And that  
16       way, I'll have a clean, new, accurate 2014 matrix  
17       of who's on what.   I think that would be the  
18       easiest.   Because I've asked in the past, and I  
19       don't always get a response.   But I think you guys  
20       are pretty good about Doodle polls, and you can  
21       just choose which category.   Instead of dates of  
22       meeting, it will be which subcommittee you want.

1 Does that sound fair?

2 DR. CHATWIN: Yes, and I encourage as  
3 many people as possible to be on these, because  
4 these are crosscutting issues.

5 Any other comments or questions? Julie?

6 MS. BONNEY: I just wanted to kind of  
7 underscore the issue of the budget impacts.  
8 What's happening is, when they do a continuing  
9 resolution, sometimes they don't know that they  
10 have the funding until, like, March or April. And  
11 we've had two incidents in the North Pacific where  
12 we were looking for charter vessels, and they  
13 couldn't -- you know, there were on hold, waiting  
14 for the funding to get issued. And in both cases,  
15 we only got two of the three charter vessels we  
16 needed to do our survey work, bottom-trawl survey  
17 -- which is, you know, a key component of  
18 assessments. And so we've also had experiences  
19 where they can't fund for charter days for  
20 different research projects, too.

21 So, if we could come up with a different  
22 model, maybe the contracting would get smoother,

1       and we might have a better result. So -- just to  
2       kind of explain that issue a little more.

3               DR. CHATWIN: Thank you, Julie. Sad  
4       state of affairs when you can't even press a  
5       button correctly.

6               MS. BONNEY: It's been a long three  
7       days.

8               DR. CHATWIN: Yes. Anyway, so I think  
9       that completes our report. Thank you.

10              DR. RHEAULT: Well, the Commerce  
11       Committee looked at the list of topics that were  
12       binned under the Commerce Committee, and we also  
13       tried to look at other possible sources.

14              But the sole issue that rose to the top  
15       of the list for specific consideration by the  
16       committee was a subsection of 3.2.2, to remove the  
17       institutional impediments to fisheries commerce,  
18       specifically to improve the aquaculture permitting  
19       process. And I have to put in the caveat that  
20       most of the Commerce Committee was not present, so  
21       the group of people that was -- three  
22       aquaculturists in the room might have driven the

1 agenda. But we tried not to -- let me just make  
2 that clear, so that any thoughts of a conspiracy  
3 here would be removed. So, we tried to be more  
4 objective than that.

5 So, the issues under that subheading  
6 that we propose to consider include: Are there  
7 tweaks to MSA that should be considered? And  
8 these would receive priority for action and  
9 consideration. Is there room, for instance, for an  
10 additional national standard for sustainable  
11 aquaculture?

12 We propose to examine old attempts at  
13 national legislation for elements to recommend  
14 moving forward.

15 We wanted to look at the question of  
16 whether there's a path forward for research and  
17 demonstration projects in EEZ, as opposed to  
18 commercial projects.

19 And we wanted to ask the question as to  
20 -- to examine whether there's a need or a benefit  
21 of having aquaculture representation on the  
22 councils or commissions.

1                   So, we would like to have permission to  
2     work with some of the NOAA aquaculture staff,  
3     specifically Sue Bunsick, who's been working on  
4     these issues for about 15 years, and has offered  
5     to help us -- especially in the reviewing of the  
6     old attempts at national legislation.

7                   And, as far as time frame for actions,  
8     we were thinking we can work together online, and  
9     conference calls as necessary, with a preliminary  
10    report out for the June meeting.

11                  Questions? Ideas? Comments? Other  
12    things we should be looking at?

13                  Please -- Julie.

14                  MS. MORRIS: We had an aquaculture guy  
15    on the Gulf council for pretty much the whole time  
16    I was a council member. And he was very helpful  
17    on all the issues that the council dealt with, and  
18    kept pushing on aquaculture.

19                  CHAIRMAN RIZZARDI: I'll just point out  
20    that there might be some overlap, as far as the  
21    regulatory opportunity issue, between Protected  
22    Resources and the Commerce Committee. Because I



1 know, in Protected Resources, it came up about  
2 streamlining regulation, and improving regulation,  
3 especially in the context of research. And it's a  
4 parallel concept to what they're dealing with on  
5 the aquaculture side. So there might be some  
6 chances to work together and cross-pollinate.

7 MS. MORRIS: Okay, so for Protected  
8 Resources, there was really only one thing that  
9 came out for Managing Our Fisheries that was  
10 nominated by MAFAC as something to follow up on,  
11 and that was that we should based listings on  
12 actual trends, rather than projected trends of  
13 climate change.

14 And we talked about it a bit. And I  
15 think we decided not to work directly on that  
16 issue. It's not really a Magnuson issue. And we  
17 couldn't figure out a good way to address it head  
18 on.

19 And so then we moved into nominating  
20 other potential things that we could focus on in  
21 the coming year.

22 And we had two sessions to talk about

1       it, this is kind of what we came up with.

2               The first is something we would focus on  
3       in the coming year, during 2014, and it would be  
4       focusing on the recovery of protected species.  
5       And we thought we would have an initial discovery  
6       period, because we rapidly became aware of how  
7       little we knew about the actual recovery process,  
8       and its successes and failures. Columbus knows  
9       more than the rest of us, because he worked with  
10      this in U.S. Fish and Wildlife.

11              And we would work towards having a  
12      webinar that would be in conjunction with  
13      Protected Resource staff. And so, a small group  
14      of us -- myself, Columbus, and Paul, and someone  
15      from Protected Resources staff -- would initially  
16      work to try to focus what kind of questions the  
17      webinar -- we would pose for the webinar to  
18      respond to.

19              And so, hopefully, we could do that in  
20      January or February, and then actually have a  
21      webinar that everybody would be invited to  
22      participate in in the March and April time frame.

1           We would like to -- one of the things,  
2       these are some of the things that we're initially  
3       thinking we would like to do. We'd like to look  
4       at examples of recovery programs that are making  
5       measurable progress. And we'd also like to look  
6       at examples of recovery programs that are not  
7       making measurable progress, and see what we can  
8       figure out about best practices, and where the  
9       opportunities are to really move towards recovery,  
10      and where the roadblocks are.

11           We'd like to invite -- I think her name  
12      is Donna Wieting. She's the new director of  
13      Protected Resources, to be in conversation with  
14      us. And we would be interested in what her ideas  
15      are about places where MAFAC could help to move  
16      things forward and improve things.

17           We learned -- because both Stan Rogers  
18      and Alexis, who are Protected Resources staff,  
19      were here for our second discussion, on the second  
20      day, we learned that there is an annual database  
21      called ROAR, in which the protected --

22           DR. CHATWIN: What is ROAR?

1 MS. MORRIS: What?

2 DR. CHATWIN: It's a Katy Perry thing?

3 MS. MORRIS: I don't know. I don't what  
4 the acronym -- does anyone remember what the  
5 acronym --

6 MR. CLAMPITT: R-O-A-R.

7 MS. MORRIS: R-O-H-R?

8 MR. CLAMPITT: ROAR, R-O-A-R.

9 MS. MORRIS: I thought it was A-R. I  
10 thought it was like the lion's roar, right. So we  
11 don't even know what the acronym is. But it's a  
12 database that is annually updated, and the staff  
13 who are working on recovery enters any progress  
14 they've made on any of the recovery actions, in  
15 the plans for every species that they're working  
16 on recovery of.

17 And so, we don't know whether it's just  
18 something they do, or something that they analyze,  
19 and that helps them -- if there was a way to query  
20 the database, to figure out what's working and  
21 what's not working, that would be interesting to  
22 know.

1                   And we also, we're talking a bit about  
2   marine mammals, because Paul has a very strong  
3   interest in sperm whale recovery. And we learned  
4   that there's a particular stock assessment model  
5   that's used for marine mammals. It's called SARS.  
6   We'd like to know more about that.

7                   We'd like to understand what the special  
8   challenges are of recovery, species that have  
9   international life histories. We heard from  
10   Alexis that that's a particular challenging group  
11   that involves coordination with lots of foreign  
12   governments.

13                  And we heard from Stan that they're --  
14   newer recovery plans are becoming much more  
15   focused on defining short-term, mid-term, and  
16   long-term milestones for recovery.

17                  And some of the original, older recovery  
18   plans don't have that kind of organization. And  
19   so we're starting to get a sense of some new  
20   best-practices that we could be working on.

21                  And then, the last thing is, we'd like  
22   to explore partnerships, the possibility of

1 partnerships for the resources to get the needed  
2 data, because this is a resource-limited area.  
3 There's a lot of -- there's a lot of recovery  
4 steps that depend on expensive data gather  
5 programs. And partnerships may be a way to  
6 connect with those resources.

7 Then, a much more focused and,  
8 hopefully, tangible project for 2014 is under the  
9 big headline of "streamlining protected resources  
10 permitting." And, specifically, we want to work  
11 on the research permits. So this is what connects  
12 with what Bob was talking about.

13 And Pam does a lot of paperwork applying  
14 for permits to work on marine mammal recovery and  
15 research kinds of things, and has a good level of  
16 insight in to things about that permitting process  
17 that could be more effective and efficient. And  
18 we'd like to work on that. And we found out that  
19 Protected Resources is already engaged in a very  
20 broad and crosscutting discussion about how to  
21 make all of its permitting more efficient and  
22 effective. So this is just a small piece of that.

1       So we think there's a good convergence there.

2                   And, then, for 2015, we anticipate that  
3       the nominated list of coral reef species for  
4       listing, there will be some decision about that  
5       made, maybe, during 2014. And we'll know which of  
6       those species are listed, and which aren't. And  
7       once that listing decision has been made, it seems  
8       like there will be an opportunity to focus on all  
9       the things that NOAA fisheries is doing for coral  
10      reef protection and restoration, setting aside  
11      listing. And we'd like to engage with that a bit,  
12      and see if MAFAC can pitch in in some way there.  
13      But it's a little muddier, how that would actually  
14      -- where we would focus.

15                   So, we don't really know what part of  
16      recovery we'll end up deciding that we can make a  
17      contribution on. We'll decide that based on the  
18      webinar. And I think I described the steps,  
19      approaching the webinar, that would then end up  
20      with a kind of focused group of things that we  
21      might be able to accomplish through a MAFAC  
22      effort.

1                   CHAIRMAN RIZZARDI: Bob, did you want to  
2       comment?

3                   DR. RHEAULT: Yes, I just look forward  
4       to engaging in that process. The marine mammal  
5       interactions with mussel farms in the EEZ have  
6       been a fascinating challenge. If you remember  
7       your geography, New Hampshire has about seven  
8       inches of shoreline. They spent two years getting  
9       an experimental mussel farm permitted, and then  
10      Maine and Massachusetts, who are neighboring  
11      states, wanted to do the same thing, and spent  
12      another two years generating similar 700-page  
13      documents, to get their experimental farms  
14      permitted.

15                  So there's -- and we've got several  
16      decades of evidence from New Zealand, who's got a  
17      very strong environmental stewardship advocacy  
18      program, that has never recorded a negative marine  
19      mammal interaction with one of their many  
20      thousands of mussel farms.

21                  So, you know, there's lots of room for  
22      improvement in the process that we look forward to



1 helping a better way forward.

2 DR. CHATWIN: So, thank you for that,  
3 and I'd like to express support for your list of  
4 items. I think MAFAC participation on the ones  
5 that you mentioned, it's really important. I  
6 think the coral one is going to be particularly  
7 interesting, and I think a multi-interest body  
8 like this providing some input into recovery for  
9 corals is going to be really helpful to NOAA,  
10 because they're going to have to think differently  
11 about how to work on this issue.

12 So, good list.

13 CHAIRMAN RIZZARDI: If you haven't  
14 already, let me please encourage all the  
15 subcommittee chairs to send their texts of what  
16 they're proposing to Heidi for including in the  
17 notes and the future agendas.

18 Any further discussion on the work plan  
19 coming out of the committees?

20 Michele?

21 MS. LONGO EDER: In participating in the  
22 subcommittees -- although I've participated

1       previously in the Commerce subcommittee,  
2       conspiracy theories aside, I this time  
3       participated in the Ecosystem committee and the  
4       Strategic Planning committee, because that seemed  
5       to be where two of the issues that I was concerned  
6       about at this meeting, in terms of recommendations  
7       for changes in Magnuson emerged.

8               So, one of the things that struck me in  
9       this -- and I assume that's consistent with other  
10      members' participation -- but one of the things  
11      that still strikes me is the title of some of the  
12      committees, and the work that it undertakes. And  
13      I think I've raised this issue before, and I'd  
14      like, if we have a minutes, to discuss this -- is  
15      committee structure.

16             When I first heard about the Commerce  
17      committee, I thought it dealt with commercial  
18      fisheries, and found that, primarily, it deals  
19      with aquaculture issues. And I think that it  
20      would be worth again revisiting the issue, and  
21      just simply saying that there's an aquaculture  
22      subcommittee, and then also identifying a

1 commercial fisheries subcommittee. Because we  
2 have a rec work group and because we have no --  
3 there are commercial issues that arise. There is  
4 language that, perhaps, on some of the issues, we  
5 could draft beforehand to bring to the committee.

6 And I think it could streamline  
7 committee work group -- committee, entire  
8 committee operations. And I think it would more  
9 accurately reflect, really what the interests of  
10 the different committees are.

11 So, I would make that suggestion, that  
12 we -- whether or not the committees want to be  
13 renamed -- but I think recognizing the reality of  
14 the work that certain subcommittees are doing, I'm  
15 calling it what it is, and then also creating a  
16 subcommittee to address commercial issues, and to  
17 serve as a function that will help MAFAC, as a  
18 whole, bring issues forward of concern.

19 Thank you.

20 CHAIRMAN RIZZARDI: Michele, I think  
21 your comment is timely, especially in light of the  
22 fact that NOAA is looking at the charter again.

1       So, there --

2                   SPEAKER:  It's not in the charter.

3                   CHAIRMAN RIZZARDI:  So, one of the  
4       things that we had talked about when this last  
5       came up was the possibility of having co-chairs  
6       for the Commerce committee, and having it be  
7       co-chaired with an aquaculture person and a  
8       commercial fishery person, to better ensure that  
9       the agenda stayed balanced.

10                  And I think, from the prior discussion  
11       and observation, sometimes the lines between  
12       aquaculture and commercial fisheries get a little  
13       blurry, so there is some reason that they're  
14       lumped together, as opposed to separated.  I'm not  
15       suggesting an opinion one way or another, but as  
16       NOAA is taking a look at that charter, and the  
17       appointments process, it does seem like this is an  
18       issue worth the agency noting.

19                  MS. LOVETT:  So, we don't name -- if I'm  
20       not mistaken.  I'm checking quickly -- but we  
21       don't name the subcommittees.  We talk about "we  
22       have subcommittees," and that "we may establish

1 subcommittees," but it doesn't name them  
2 specifically in the charter.

3 And it doesn't require that a  
4 subcommittee have one chair, or two chairs.  
5 That's sort of at your pleasure.

6 And I think it's just -- obviously, what  
7 the subcommittees are named now has a longer  
8 history than me, and I think it's just where  
9 people's interests have lied, and how the  
10 strengths of the individuals on the committee as a  
11 whole.

12 So, I think it's fair to discuss, maybe,  
13 and have it on the agenda, if you all think it is  
14 -- have it more as an agenda item topic for the  
15 next meeting, so there can be more thorough  
16 discussion about if you think there should be two  
17 committees, two new subcommittees, with different  
18 titles, or remain as one subcommittee with two  
19 work groups under that subcommittee. It's really  
20 up to how you all want to organize and do your  
21 work.

22 CHAIRMAN RIZZARDI: Just -- Tony?

1 DR. CHATWIN: No, go ahead.

2 CHAIRMAN RIZZARDI: Just the Chair's  
3 observation that it's sometimes hard to plan a  
4 meeting if there are too many committee meetings.  
5 So, having four committees, like it is right now,  
6 allows you to have two committee meetings at a  
7 time, and then put them on parallel paths, and try  
8 to keep them separate. So, four does work pretty  
9 well. It gets more complicated as you go beyond  
10 that, just from a practical perspective.

11 DR. CHATWIN: So, you know, I think it's  
12 really interesting to talk about how we organize  
13 ourselves, with just -- I think the Commerce  
14 committee is one that is of interest to all of  
15 these groups -- of interest to the recreational  
16 fishing group, to aquaculture, to commercial  
17 fishing, to the NGOs, to everybody. And in an  
18 ideal world, there would be representation from  
19 all of those on that committee.

20 I really like the Recreational Fishing  
21 Subcommittee use of working groups, and maybe the  
22 way to do it -- because I think we lose a little

1 bit -- while we can gain when we have the  
2 issue-specific committees, I think we also lose a  
3 bit of that cross-fertilization that occurs. It  
4 occurs in the plenary, but it is harder.

5 You know, so maybe one thought is to  
6 think about going the other way, where we have  
7 increased representation, and have increased use  
8 of working groups, where you would get more of  
9 that community-specific perspective brought into  
10 the fray.

11 MS. LONGO EDER: Again, I think -- I  
12 don't disagree with Tony about issues are  
13 important across the board, but there's also a  
14 limitation on members' ability to participate in  
15 subcommittees. And committee structure can guide,  
16 if you will, full committee agendas.

17 And so, when there is not an entity that  
18 addresses commercial issues specifically, there  
19 tends not to be a vehicle within our structure to  
20 bring those issues to the full committee.

21 So, it's obviously -- I mean, it's at  
22 the pleasure of the Chair. And if, as you

1 suggested, one way to do it is to have co-chairs  
2 of the Commerce committee, if that's the Chair's  
3 pleasure, I think that my idea anticipates that  
4 the co-chairs would not be holding joint meetings,  
5 but that the co-chairs would be able to hold  
6 meetings for Commerce committee members that wish  
7 to participate in aquaculture discussions, and  
8 committee members that wish to participate in  
9 commercial discussions.

10 So, I just want to be clear, that we're  
11 not anticipating joint meetings of a Commerce  
12 committee with co- chairs. It would be separate  
13 meetings, separate co-chairs, under the rubric of  
14 a Commerce committee.

15 DR. RHEAULT: I would just share that I  
16 would hope that we would have more people  
17 interested in aquaculture than just the people who  
18 are on this committee because they have an  
19 expertise in the field. And I welcome  
20 participation from everyone on this committee.

21 CHAIRMAN RIZZARDI: Julie.

22 MS. BONNEY: Just to -- for transparency



1       purposes -- I was on the Commerce committee, and  
2       so was Pam. And if you were there for the  
3       discussion, or you look at what was before us  
4       based on the assignments by Heidi, they're really,  
5       we went after the thing that made the most sense.  
6       So, it wasn't like we were trying to -- what? --  
7       it wasn't being driven by the committee make-up,  
8       or, you know, a short list of aquaculture. It was  
9       a broader group of MAFAC members. It just was the  
10      thing that made the most sense, based on the list  
11      that was before us at that time.

12               I'm just curious, Michele, if there was  
13      -- you know, I don't know what the topic would be  
14      on the commercial fishing side through Commerce.  
15      I mean, it would seem to me that if we, as  
16      constituents within that committee, we need to,  
17      you know, make our desires known, and raise it  
18      within the committee process. I don't know that  
19      we need to have a special title.

20               I think that -- I appreciate what other  
21      people that are within a different group adding to  
22      the pile, versus talking among ourselves. Because

1 obviously, if we're reaching a broader  
2 constituency base, I think we get a better result.  
3 So -- and I'm willing to dialogue with you and  
4 anyone else -- Ted, Paul -- if there's things  
5 within the Commerce that the commercial fishing  
6 feels needs to be part of the discussions.

7 So, that's just an FYI, I guess.

8 CHAIRMAN RIZZARDI: Any other discussion  
9 on the committee structure point?

10 (No response.)

11 Okay. Heidi, I understand that you and Jenny had  
12 something worked up to talk to us about logistics  
13 of virtual meetings.

14 Tony?

15 DR. CHATWIN: I have one other business  
16 item. Should that wait 'til the end, or can I  
17 just raise it quickly?

18 So, ever since NOAA has transitioned to  
19 Google Docs, I have had a real hard time  
20 following, you know, the weekly reports and  
21 whatnot, and feeling very, sort of, incompetent  
22 when it comes to -- or "challenged" when it comes

1 to technology, because of it.

2 And I just wanted to know if that's a  
3 struggle that others share?

4 (Show of hands)

5 Oh, my gosh. (Laughter.) I had no idea. And so, if  
6 it is, I would like to make a suggestion that we  
7 send a plea for help up to NOAA, to help us  
8 reconnect with our agency.

9 MR. BROWN: I have always had that  
10 problem, because I operate from a Mac platform.

11 CHAIRMAN RIZZARDI: You have to have the  
12 right software.

13 MS. LOVETT: So, we have pleaded several  
14 times. So, I like your suggestion. I think if  
15 the letter came from you all, and went right to  
16 Sam, that other staff who are responsible for this  
17 might take better action.

18 DR. CHATWIN: Do we need a -- oh, sorry.

19 DR. RHEAULT: Motion -- so moved.

20 MR. WALLACE: You know, I'm one of the  
21 people who has complained a number of times, and  
22 said, "If you aren't going to allow us to be on

1       it, please take us off your list," because every  
2       Monday, I just delete Sam, simply because I know  
3       -- and I just get so frustrated when I try to deal  
4       with it.

5               And so I don't care. I would prefer --  
6       because I used to read them religiously, but if  
7       you don't want us to read them, then remove us  
8       from the list.

9               Thank you.

10              MR. BROWN: I believe you can just put  
11      them on the members-only section for the MAFAC.

12              DR. RHEAULT: Send it as an attachment.

13              MR. BROWN: Yes -- as an attachment. I  
14      just wanted to make a comment for the record in  
15      light of NOAA agreeing to prepare a matrix  
16      identifying who pays for the activities associated  
17      with the certification process. I support the  
18      report.

19              CHAIRMAN RIZZARDI: Thanks for putting  
20      it on the record.

21              DR. CHATWIN: So -- sorry, so what was  
22      the conclusion to the Google Docs thing?

1                   CHAIRMAN RIZZARDI: I'll be sending a  
2       litter to Sam, after getting some text to help me  
3       out.

4                   DR. CHATWIN: Thank you.

5                   CHAIRMAN RIZZARDI: Was that unanimous,  
6       by the way?

7                   MR. WALLACE: It was.

8                   CHAIRMAN RIZZARDI: The only thing we  
9       achieved unanimity on this meeting, right?

10                  Heidi -- action items and briefing  
11       requests?

12                  Close Out: Review of Decisions, Action Items,  
13                               Next Steps

14                  MS. LOVETT: I think you can all see  
15       this, it keeps shifting. That's my system. Okay.

16                  So, Jenny helped gather the specific  
17       requests that sort of came up throughout the  
18       meeting. And I compiled them here, and this is  
19       separate from the individual plans of the  
20       subcommittee work groups -- so that would be, you  
21       know your own work plan, those are your actions,  
22       your work for the next year.

1                   But related to, or after the budget  
2       presentation, there was a request about better  
3       information, or some understanding of what the  
4       Pacific Salmon Recovery Fund has done, or what  
5       that is for. I think that came from you Julie, to  
6       Paul? And I'm pretty sure we have existing fact  
7       sheets from the budget office that go to  
8       Congressional members who make similar requests.  
9       So I think that will be pretty quick, we'll be  
10      able to give you a fact sheet or some overview  
11      about that fund.

12                  Related to the priorities report -- I  
13      think Tony brought this up, that if it was  
14      possible, please provide trends on the revenue and  
15      jobs that's been presented in the report, at a  
16      finer scale, to show how fishing communities are  
17      faring along the same metrics: Is everyone  
18      benefitting the same way? That's how Tony  
19      described it.

20                  So, I will be sharing that with the S&T  
21      group, the economics group, to see how they  
22      generate their data, and how it can be -- at what

1 scale it can be provided. And we'll see how  
2 quickly we can get that to you.

3 MS. BONNEY: I guess, on that issue, "Is  
4 everyone benefitting the same way" is really -- I  
5 mean, obviously, if you're in Alaska, and you have  
6 a lot of fish, those communities are going to  
7 benefit differently than in an area that has no  
8 fish. So, I don't know how you -- the fairness  
9 metric, and "benefitting the same way," it's -- I  
10 don't like that text (inaudible).

11 MS. LOVETT: Okay. I'm sorry. I think  
12 that was just from your notes that come up out of  
13 the conversation. So the question is -- so, you  
14 all can see whether or not communities are, when  
15 revenues are going up year to year, you know, how  
16 is it -- who's benefitting, I guess is a better  
17 question. Or which regions, which communities --

18 MS. BONNEY: Right. I think that's a  
19 better articulation.

20 MS. MORRIS: And building on that, I  
21 remember it being more a comment on how different  
22 regions are doing, rather than on individual

1 fishing communities. But maybe I remember it  
2 wrong.

3 MS. LOVETT: Tony?

4 DR. CHATWIN: Well, so I reference a  
5 profile of the fishing communities that NMFS has  
6 done. And that actually goes into a much finer  
7 scale than just regions. But the idea was just to  
8 have a -- it seemed like really interesting  
9 information, and that to have it more than at the  
10 national scale would be helpful.

11 And so, maybe there's a resolution with  
12 the data, so I think it would just be interesting  
13 to see what they can tell, what you guys can say.

14 MS. LOVETT: Okay. So, we'll look into  
15 what kinds of -- I'm not an economist, but we'll  
16 look into and talk to the economists on staff and  
17 see what reports they generate, and see if we  
18 already have existing data that might match what  
19 you're looking for, or be able to match up with  
20 the priorities report, and/or, you know, what can  
21 be done related to that.

22 The next one was on experimental fishing



1       permits. And I think this would be -- this is to  
2       provide a briefing at a future meeting about what  
3       they are, how they work. And members expressed  
4       and interest in how EFPs might be able to foster  
5       innovation in U.S. fisheries, and how they could  
6       be used to promote innovation.

7               So that's sort of, as I understood it, a  
8       meeting topic. Is that fair? Okay.

9               Ted?

10              MR. AMES: Yes, just a clarification.  
11       This is referring to West Coast fishing  
12       communities? Or fishing communities, in general?

13              MS. LOVETT: For the -- I think it's  
14       national, related to the priorities report, and  
15       fishing community. I think what Tony was  
16       referencing is a national report that identifies  
17       fishing communities around the nation. And I  
18       think what his question is, is really how  
19       frequently do we look at economic data in relation  
20       to those communities.

21              MR. AMES: Okay. Thank you.

22              MS. BONNEY: On the experimental fishing

1       permits, I think part of the discussion there was,  
2       I think every region uses EFPs in a different  
3       mechanism. And so I think there's two things.

4               One -- and I noticed even on the --  
5       what? -- Rec committee's cooperative research  
6       request, there's a lot that can be accomplished  
7       through EFPs. And we use them a lot in the North  
8       Pacific, but I don't know that every region  
9       approaches an EFP permit the same way.

10              So, I don't know if you're looking for  
11       an overview of what EFPs have done nationwide, or  
12       a comparison of how they're, you know -- how you  
13       apply for them, and how they get used across the  
14       regions.

15              MS. LOVETT: Okay -- used differently,  
16       how to apply, how they get used. Okay. I'm  
17       sorry, taking notes.

18              And then, the last thing that came up  
19       during the Recreational Fishery report discussion  
20       was that if MAFAC has specific recommendations on  
21       topics that might be applicable for discussion at  
22       the Recreational Fishery Summit, that you provide

1       those to Alan. We have on the record the ones  
2       that were discussed here, today -- yes, today.  
3       But if there's others, that was just something  
4       that was identified.

5               So, I don't know if you want to discuss  
6       this now and make up a short list, or if it's  
7       something you want to do and generate via e-mail,  
8       a little bit of thought, and then get it to us to  
9       share with Alan and Russ.

10              MR. FRANKE: A proposal. I mentioned it  
11       earlier -- if everybody, as a homework item, is  
12       comfortable with putting together their thoughts  
13       and recommendations, e- mail them to me, and then  
14       I'll put them on one all-inclusive list, and I'll  
15       e-mail it to the whole group. And then we'll have  
16       one phone call and get consensus on what the group  
17       recommendations are, and then we'll ship those  
18       over to Alan.

19              Does that sound reasonable to everybody?  
20       Are we good there?

21              MS. LOVETT: So, just when you said  
22       "have one phone call, get consensus, and ship it

1 over," that sounds like a meeting. And I just  
2 want to be clear that if this is -- if you feel  
3 comfortable with an informal set of  
4 recommendations versus a consensus list -- a  
5 "consensus list" would mean setting up a meeting,  
6 but I'm not sure that's necessary. It's up to  
7 you, though.

8 MR. FRANKE: Yes, from a formal  
9 protocol, what's the cleanest and the right way to  
10 do it, though, Heidi?

11 MS. LOVETT: Since -- if it's just  
12 fine-tuning what you all discussed, and just  
13 clarifying on paper what you discussed today, I  
14 would suggest that it should be okay for a summary  
15 to be developed to be shared so everybody can say,  
16 yep, that's what we discussed, and we can send it.

17 But I don't think it needs to be through  
18 a formal meeting in this case. Does that --

19 MR. FRANKE: If people have unique  
20 things that weren't discussed today, though, are  
21 we still okay bringing those to that group setting  
22 to discuss?

1 I'm okay with it, if everybody else is  
2 okay with it -- put it that way. Are we still  
3 okay there? Like we hit all the high points  
4 today. We pretty much know what the targets are.

5 MS. LOVETT: Right.

6 MR. FRANKE: We're just going to  
7 formalize and fine-tune those, and put them in  
8 some clean language. And I think the group  
9 setting will be to approve that language that we  
10 send over to Alan.

11 But if they have any kind of new ideas,  
12 do we need to still do public notice, et cetera,  
13 for FACA?

14 MS. LOVETT: Okay. So, if you want this  
15 to be a consensus document, then, yes, you should  
16 have a meeting. It has to be noticed, it has to  
17 be noticed 14 days in advance. And I'm not -- you  
18 probably have a better idea than I do about the  
19 timing of how the coordination of planning this  
20 meeting is going, because it's not that many  
21 months away. So I don't want to derail that.

22 But, if it's a -- I guess we'll have to

1       play it by ear. Maybe if it's a product that  
2       comes out of the conversation, and it's part of  
3       our summary report going forward to the  
4       leadership, I would post it to the website. It  
5       would be very transparent what it is. And if it  
6       doesn't deviate, then I would say that that should  
7       suffice.

8               If there is something unique, and the  
9       group, you all, think it needs a consensus  
10      approval to submit the idea -- I mean, that's what  
11      it is. Otherwise, you all are sometimes asked by  
12      people for your input, like we did for aquaculture  
13      research permits recently. Only a couple of you  
14      submitted some comments, and they were sent on to  
15      staff. And it did not require a full-group  
16      approval of that.

17             MR. FRANKE: Well, I have one additional  
18      question, then. Don't want to kill a dead horse,  
19      but, from my view, if we're going to be making  
20      recommendations, everybody in this room has  
21      personal experience and expertise in their realm.  
22      I'm almost of the opinion everybody's

1 recommendations ought to be on that list, and it's  
2 not a consensus situation.

3 MS. LOVETT: That's great.

4 MR. FRANKE: I think we submit all of  
5 our recommendations, and then they can sift  
6 through the ones that they're going to be able to  
7 budget time for.

8 I think everybody's input on this is  
9 going to be important from their aspect, their  
10 view in the stadium, so to speak. So, in which  
11 case, I think we're clean as far as not having to  
12 do the FACA deal, as long as everybody here is  
13 comfortable with all of our ideas get to go  
14 forward. We'll just clean up the language.

15 MS. BONNEY: Okay, just to be clear in  
16 my own mind, though. So the summit is going to be  
17 in 2014, in April? And then, based on -- I forgot  
18 the guy's name -- Russ?

19 MR. FRANKE: Russ.

20 MS. BONNEY: He had suggested that what  
21 was in the document wasn't really cemented ideas,  
22 and there still are going to be some internal

1 discussion within the Rec committee, national Rec  
2 committee and the agency.

3 So I guess I'm trying to understand  
4 where in the process we should be kind of banding  
5 around. So is it now, even though you guys would  
6 have more work to do in terms of the summit  
7 agenda? Or would it make more sense to see what  
8 your more further-defined ideas are, and then  
9 weigh in?

10 MR. FRANKE: They haven't done the  
11 development of the agenda yet. They haven't even  
12 started that, but it will move, I think,  
13 relatively quickly.

14 The white paper was one data point. I'm  
15 sure they're going to get input from all sorts of  
16 places, as other data points. I think our  
17 collective list will be another data point.

18 And then they're going to only have so  
19 much time allotted. They'll probably take all of  
20 that, put it together, and then come up with a  
21 final agenda that they feel is going to get the  
22 most accomplished.



1 MS. LOVETT: So, I would just say does  
2 anybody feel that something has been missed? Are  
3 there any additional actions or requests of the  
4 agency that you have that were not captured?

5 CHAIRMAN RIZZARDI: The briefing on  
6 coral, after the decision gets made.

7 MS. LOVETT: Okay.

8 CHAIRMAN RIZZARDI: I was hoping that  
9 could be a timely telephone conference call or  
10 webinar, once the decision comes out. So,  
11 anticipating sometime in the spring.

12 MS. LOVETT: Okay.

13 MS. BONNEY: The only other issue is  
14 that if they actually do some kind of a different,  
15 a proposed rule, or rulemaking, on National  
16 Standard 1, that -- okay.

17 MS. LOVETT: Yes, I think we've, staff,  
18 have pledged to keep this group engaged on that as  
19 it progresses.

20 Okay -- so, I'm going to switch now to  
21 potential meeting dates, and discussing of meeting  
22 options.

1 I did share with you a report that Jenny  
2 put together, based on the survey she did of  
3 everybody's experience and familiarity, and  
4 equipment that they have for doing VTC video  
5 conferencing, webinars, teleconferencing. And so  
6 she gathered quite a bit of information and  
7 assessed it all.

8 I think the long and short of it is that  
9 there's a varying amount of experience from all  
10 the members. And there's not VTC capabilities  
11 everywhere. When we do -- if we have virtual  
12 meetings, we also have some constraints when it  
13 comes to timing because of how dispersed everybody  
14 is across the country.

15 And so it seems like teleconferencing  
16 and webinars is probably still sort of the  
17 easiest, least complicated way to have a meeting  
18 and discuss a topic.

19 As you heard -- I guess it was on  
20 Tuesday. I forgot who mentioned it, or who talked  
21 about it -- but we had to jump through a lot of  
22 hoops to get permission to bring you all here for

1 a meeting this fall. Originally, that was for  
2 October and, happily, there were no changes in  
3 that plan once we shifted the meeting to December.

4 But it has to do with travel  
5 restrictions, and it's not strictly FACA  
6 committee, but it is affecting all FACA committees  
7 for NOAA. It's affecting travel for our staff to  
8 go to conferences and meetings that are relevant  
9 to the work that they do. Jenny, right now, is  
10 struggling to put together an internal group  
11 travel request so that our own staff can attend  
12 that electronic monitoring conference that Mark  
13 and she are heavily involved with, that was  
14 referenced earlier, that's happening in January in  
15 the North Pacific.

16 So, our goal is to make sure we get to  
17 have at least one face-to-face meeting next year.  
18 If policy changes, we would certainly strive to have  
19 two meetings face- to-face next year.

20 But I think we all have to kind of plan  
21 on how we would like to conduct the work of the  
22 committee -- and we'd like your input -- that, in

1 the event that that doesn't happen, that you have  
2 potentially one face-to-face, and potentially no  
3 face-to-face meetings.

4 I know that the MPA FACA is meeting now  
5 virtually, for the second time. And Dr. Schaefer  
6 was going to be communicating with them virtually.  
7 So, I'm sure he's going to get some conversation  
8 with them about whether or not that's, you know,  
9 the best way to use everybody's time, and if it is  
10 as --

11 I mean, I think we, as staff, and part  
12 of leadership -- certainly, our leadership --  
13 understands that face-to-face allows a lot of  
14 conversation that just doesn't happen as easily or  
15 as completely when it's by webinar. But -- we  
16 have had success in having webinars, and we've  
17 been able to tackle, instead of a full agenda of  
18 three or four topics, maybe individual topics by  
19 webinar, and can have a deep conversation about  
20 one topic for a couple of hours on a particular  
21 afternoon.

22 If we do webinars as meetings -- just

1       like we have done teleconferences in the past --  
2       they are noticed, the public is available to come.  
3       It's as if our meeting is in our headquarters  
4       office, and people come to the meeting space there  
5       and they are sitting with us, the public, if the  
6       public wants to attend, from out point, while  
7       we're conversing with you all.

8               So, anyway, it is food for thought, the  
9       assessment that Jenny did. And, you know, from  
10      now to next summer, people's capabilities might  
11      expand and change, and we would love to get  
12      updates from you all.

13             But I guess, at the moment, what we're  
14      striving for is to hope for one face-to-face  
15      meeting next year, and other, smaller, shorter  
16      meetings scattered throughout the year.

17             But as far as a face-to-face meeting, I  
18      went through and looked at calendars and, in  
19      particular, we usually strive to avoid council  
20      meetings and CCC meetings. And so the dates you  
21      see up on the screen now are those potential week  
22      dates -- you know, Tuesday through Thursday dates

1       -- at various times throughout the year.

2               And I heard that there might be some  
3       interest by part of your group to potentially  
4       strive for a summer meeting versus a fall  
5       face-to-face meeting.

6               So I will stop there and let you all  
7       chime in.

8               MR. FRANKE: I'd like to propose a June  
9       meeting in San Diego.

10              CHAIRMAN RIZZARDI: June's not an  
11       option.

12              MR. FRANKE: Oh, I thought you said  
13       those were the conflict dates up there.

14              MS. LOVETT: No, I'm sorry -- there's no  
15       conflicts in July, there's no council meetings or  
16       anything. There are meetings every single week in  
17       June by one or more councils.

18              MR. FRANKE: Well, then, May is probably  
19       the closest option. July and August, I can tell  
20       you, if -- we'd love to host you all in San Diego  
21       to give you a perspective of our region. Our  
22       challenge is, I'm sure most of San Diego is sold

1 out right now for July and August, is the honest  
2 truth. It's big business down there -- which  
3 leaves us either May or September. Both of those  
4 are real good.

5 But, we could try, but I think July and  
6 August will be a challenge to get rooms and  
7 meeting rooms. June works. But, anyway, that  
8 would be my recommendation.

9 MS. BONNEY: May is going to be -- I  
10 would -- if we're going to do this, I would  
11 propose that we either look at September or May,  
12 because May is going to be really tight for me.

13 So, just, I would prefer September. But  
14 if that's not going to work, then maybe if I  
15 really spend some time with my calendar, I might  
16 be able to make May work.

17 CHAIRMAN RIZZARDI: All right, so I'm  
18 going to jump in on this, because I think it's  
19 important for us to keep in mind the work-planning  
20 process, and trying to get a deliverable to NOAA  
21 that's going to help them with either Magnuson  
22 reauthorization guidance, or NS1 guidance.

1                   And my view is that the face-to-face  
2       meetings are the chance where you get the most  
3       productivity, and the chance to bring things over  
4       the finish line. My instinct, when we were  
5       talking about this, was to push for summer,  
6       realizing that summer looks touch. If San Diego  
7       doesn't quite work, maybe we're talking the  
8       September date. Because I'd rather put it later  
9       in the year than earlier in the year to allow the  
10      different committees sufficient time to work their  
11      way through their issues.

12                  So, looking at this calendar, I'm  
13      thinking we're kind of stuck with the September or  
14      October dates.

15                  MR. FRANKE: There we go -- September  
16      is, I think, the operating environment with the  
17      hotels and the meeting rooms, et cetera, September  
18      3rd to 5th are probably a very good period to  
19      choose -- weather-wise and activity-wise,  
20      availability, as well.

21                  And I believe the new NOAA ship will be  
22      there, as well.



1 MS. LOVETT: So, just to clarify: I  
2 wrote "Wednesday to Friday," is the 3rd through  
3 the 5th, because that follows right after Labor  
4 Day -- just so you are aware of that.

5 You know, it's -- just to clarify, the  
6 reason we try to avoid council meetings -- and  
7 there are lots of them -- is because some of you  
8 engage at council meetings, you attend them. And,  
9 of course, our commissioners, the executive  
10 directors, rather, of the commissions, all attend,  
11 you know, one or more council meetings.

12 But that doesn't mean that that's -- you  
13 know, occasionally, their dates shift. And, for  
14 instance, that's why -- and our dates shift. And  
15 that's why sometimes people can't attend meetings.  
16 But that's what we strive for.

17 MR. BROWN: And I think we should avoid  
18 straddling a fiscal year, because --

19 MS. LOVETT: Yes.

20 MR. BROWN: -- that's just fraught with  
21 too many problems.

22 CHAIRMAN RIZZARDI: Sounds like we'll be

1 Doodling, Doodle polling, for September.

2 DR. CHATWIN: I like the idea of having  
3 it Labor Day and extending it onto our meeting.

4 CHAIRMAN RIZZARDI: Okay. Thank you.

5 MS. LOVETT: So, I still have a couple  
6 more things.

7 So, I guess we'll Doodle poll.

8 Certainly, all of you should, as you're -- I mean,  
9 we'll be reaching out to you, but if, as  
10 subcommittee chairs, you have some timing issues,  
11 and timing when you think would be appropriate for  
12 subcommittees to begin work, then let us know, and  
13 we certainly will be facilitating conference  
14 calls. We often staff them for you. So we'll be  
15 engaging on that throughout the year.

16 And I think it is still possible to get  
17 a lot of work done in that way. And we are open  
18 to, if something moves faster than something else,  
19 as has happened in the past, we have had  
20 teleconferences to come to a decision, a consensus  
21 on something. So that's not out of the realm.  
22 And we can stick with these particular weeks, as

1 well, for a one-day teleconference afternoon  
2 meeting, or something like that.

3 So, the other thing I just wanted to --  
4 since it is the end of the year, and soon to be  
5 the beginning of a new year, and I, happily,  
6 remembered to bring with me your paperwork to  
7 facilitate this. I just wanted to go over this  
8 with you, because, fortuitously, I got an e-mail  
9 from the ethics lawyer that monitors our committee  
10 on Tuesday. And he sent me an elaborate e-mail to  
11 send to you all, not knowing that I had brought  
12 paperwork here and everything.

13 But this is just a reminder that that  
14 Certificate for Foreign Agent Status, and the  
15 financial disclosure paperwork that was put before  
16 you, it is required to have that signed every  
17 year, and on file. And our ethics lawyers review  
18 that. Occasionally -- the purpose is,  
19 occasionally they draft waivers to allow certain  
20 committee members to participate in the work and  
21 the discussions that go on, and we'd like to have  
22 those waivers on file.

1                   He's also sent me -- and I haven't  
2       forwarded it to you yet, but I will be soon -- an  
3       updated summary of ethics rules that apply to all  
4       MAFAC members, as, similarly, to all staff and  
5       other FACA committee members. And I do keep all  
6       of this paperwork posted on the members-only  
7       website, so there's an old version of the ethics  
8       rules there now. But I will send it to you  
9       directly, and we ask that you please review it  
10      all. And if there are any questions, please  
11      contact me or Will Jacoby, who's the lawyer. I'll  
12      make sure that his contact info is there. So if  
13      there's anything in particular that you have a  
14      question about, he and I both welcome your  
15      questions, and we'll answer them.

16                  Lastly, we do keep the travel rules and  
17      guidelines on that same web page. And some time  
18      ago, at your request, I created a reimbursement  
19      form to make it easy for you to submit your  
20      paperwork to us. Per the guidelines, you are  
21      supposed to submit your receipts to us within five  
22      days of completing your travel. It helps all of

1       us: You get your money quickly, we make sure it's  
2       cleared through the reimbursement process on our  
3       end quickly. And we do need receipts for anything  
4       above \$75. It's not required, but it certainly  
5       makes it easier if you have your receipts, if you  
6       have taxis, airport parking, train, you know,  
7       local train or things like that. Definitely your  
8       hotel, we need the hard copy. So, usually, many  
9       of you put everything in the mail.

10               Some of you decide to scan it and send  
11       it to Angela, our assistant, via e-mail. And  
12       that's fine, but she does need to have the hard  
13       copy, so she can process it faster if she gets it  
14       that way, but she does need the hard copy on file.

15               So if there are ever any questions about  
16       this, as I said, feel free to contact me or Mark.

17               So, I just wanted to review that. And I  
18       don't think I have anything else right now.

19               CHAIRMAN RIZZARDI: Dave?

20               MR. WALLACE: I'd make a motion to  
21       adjourn.

22               DR. CHATWIN: Second.

1                   CHAIRMAN RIZZARDI: We're not getting a  
2       briefing on using technology for our future  
3       meetings?

4                   MS. LOVETT: I'm not clear what kind of  
5       briefing you were expecting.

6                   CHAIRMAN RIZZARDI: Okay.

7                   MS. LOVETT: I think -- we have a  
8       summary report that was sent around, and it  
9       explains -- it's not how to use technology, it's  
10      what you all have at your access, capability, I  
11      mean, what's available to you all, what you told  
12      us. And, in essence, we determined that VTC is  
13      not available to all of you equally to have that  
14      kind of meeting. We can look into that further,  
15      but --

16                                   Adjournment

17                   CHAIRMAN RIZZARDI: Okay. All right, so  
18       we have a motion and a second to adjourn. Thank  
19       you, everybody, for an excellent meeting.

20                   All those in favor.

21                                   (Chorus of ayes.)

22                   CHAIRMAN RIZZARDI: Any opposed?

1 (No response.)

2 CHAIRMAN RIZZARDI: Thanks, everybody.

3 Have a save trip home.

4 (Whereupon, at 2:35 p.m., the

5 PROCEEDINGS were adjourned.)

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## 1 CERTIFICATE OF NOTARY PUBLIC

## 2 STATE OF MARYLAND

3 I, Mark Mahoney, notary public in and for  
4 the State of Maryland, do hereby certify that the  
5 forgoing PROCEEDING was duly recorded and  
6 thereafter reduced to print under my direction;  
7 that the witnesses were sworn to tell the truth  
8 under penalty of perjury; that said transcript is a  
9 true record of the testimony given by witnesses;  
10 that I am neither counsel for, related to, nor  
11 employed by any of the parties to the action in  
12 which this proceeding was called; and, furthermore,  
13 that I am not a relative or employee of any  
14 attorney or counsel employed by the parties hereto,  
15 nor financially or otherwise interested in the  
16 outcome of this action.

17  
18 (Signature and Seal on File)

19 -----

20 Notary Public, in and for the State of Maryland

21 My Commission Expires: November 1, 2014

22